

THE  
GOVERNMENT  
OF THE  
STATE OF INDIANA.



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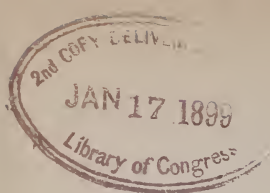
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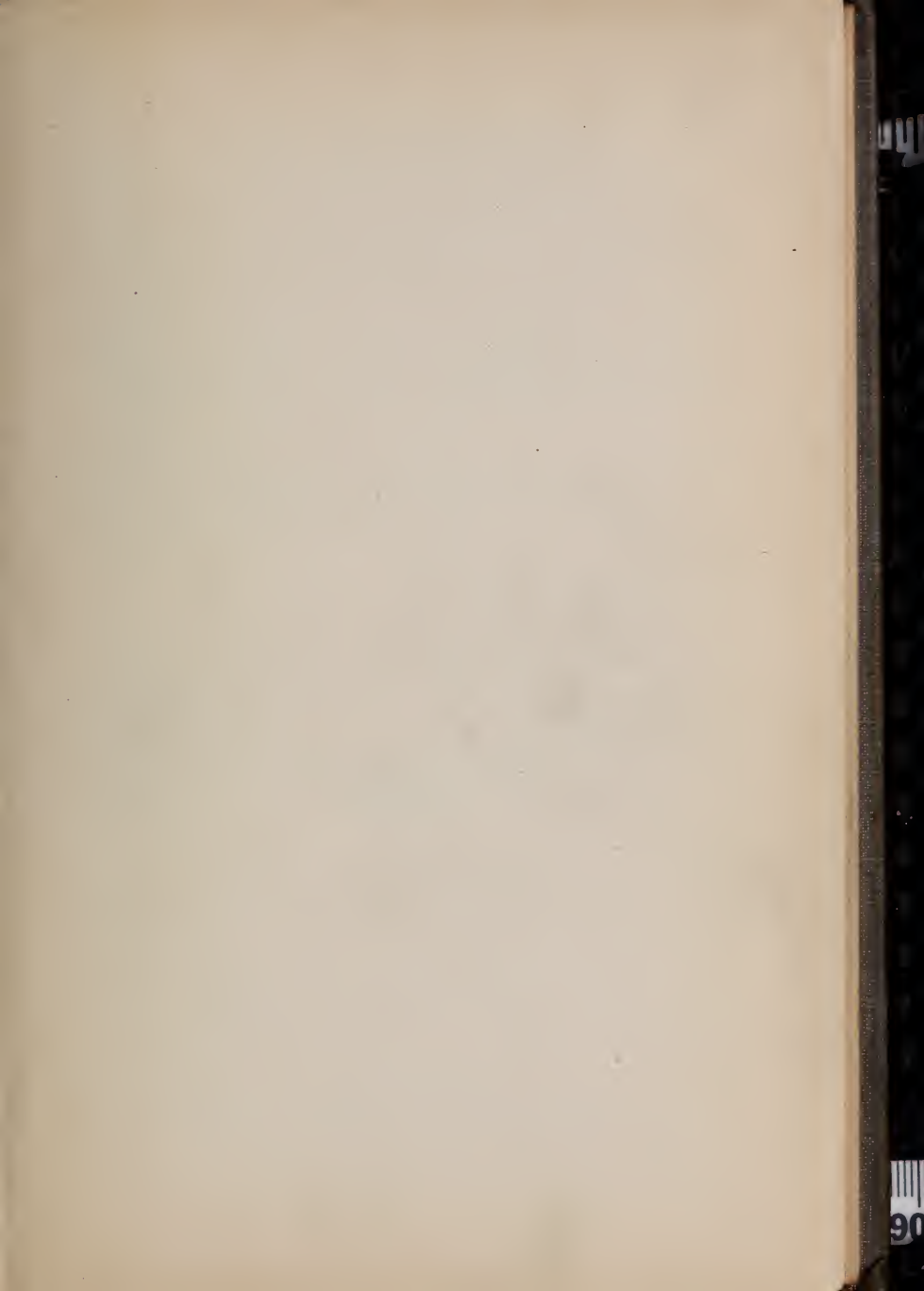
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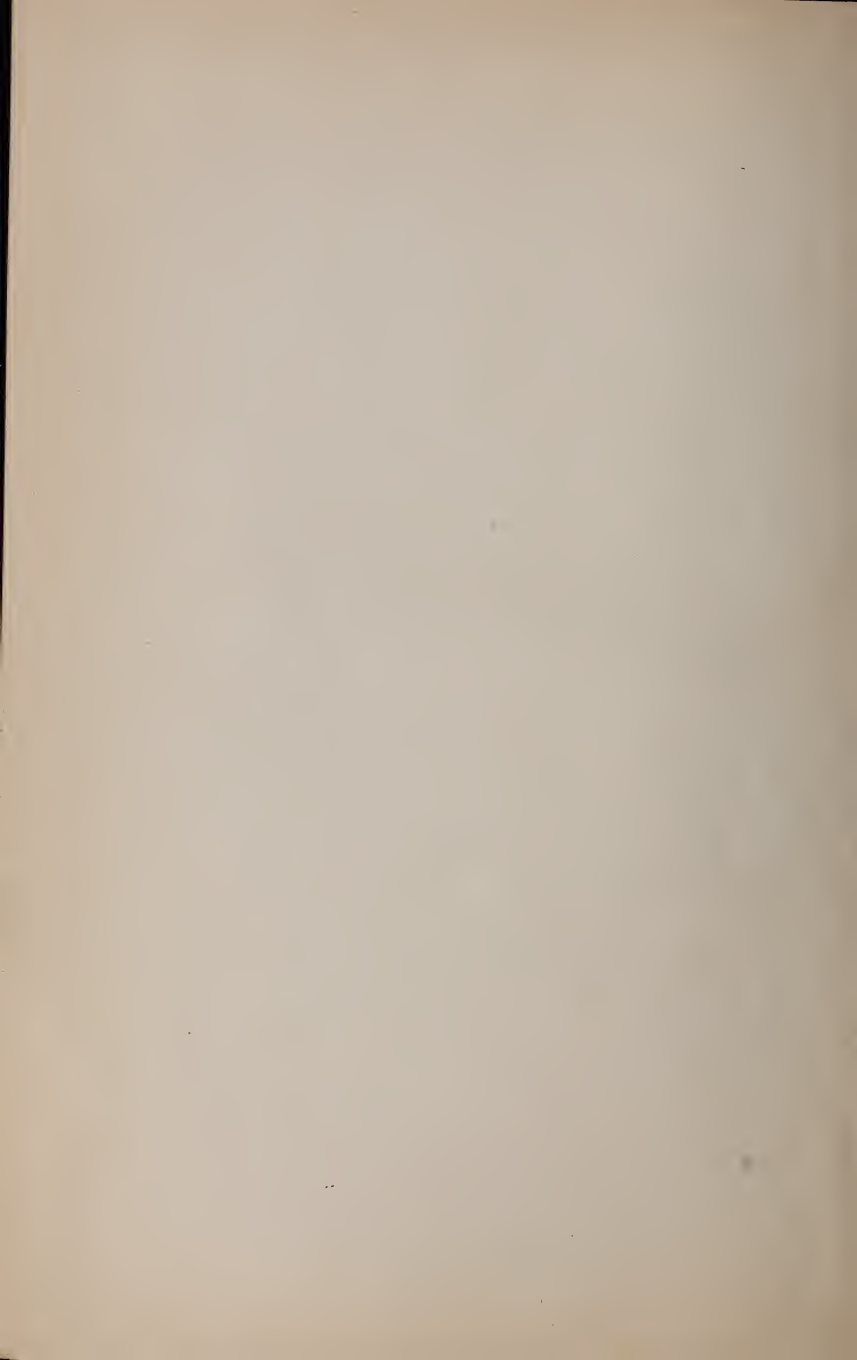
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THE GOVERNMENT  
OF THE  
STATE OF INDIANA

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By WILLIAM W. THORNTON  
*Attorney-at-Law*

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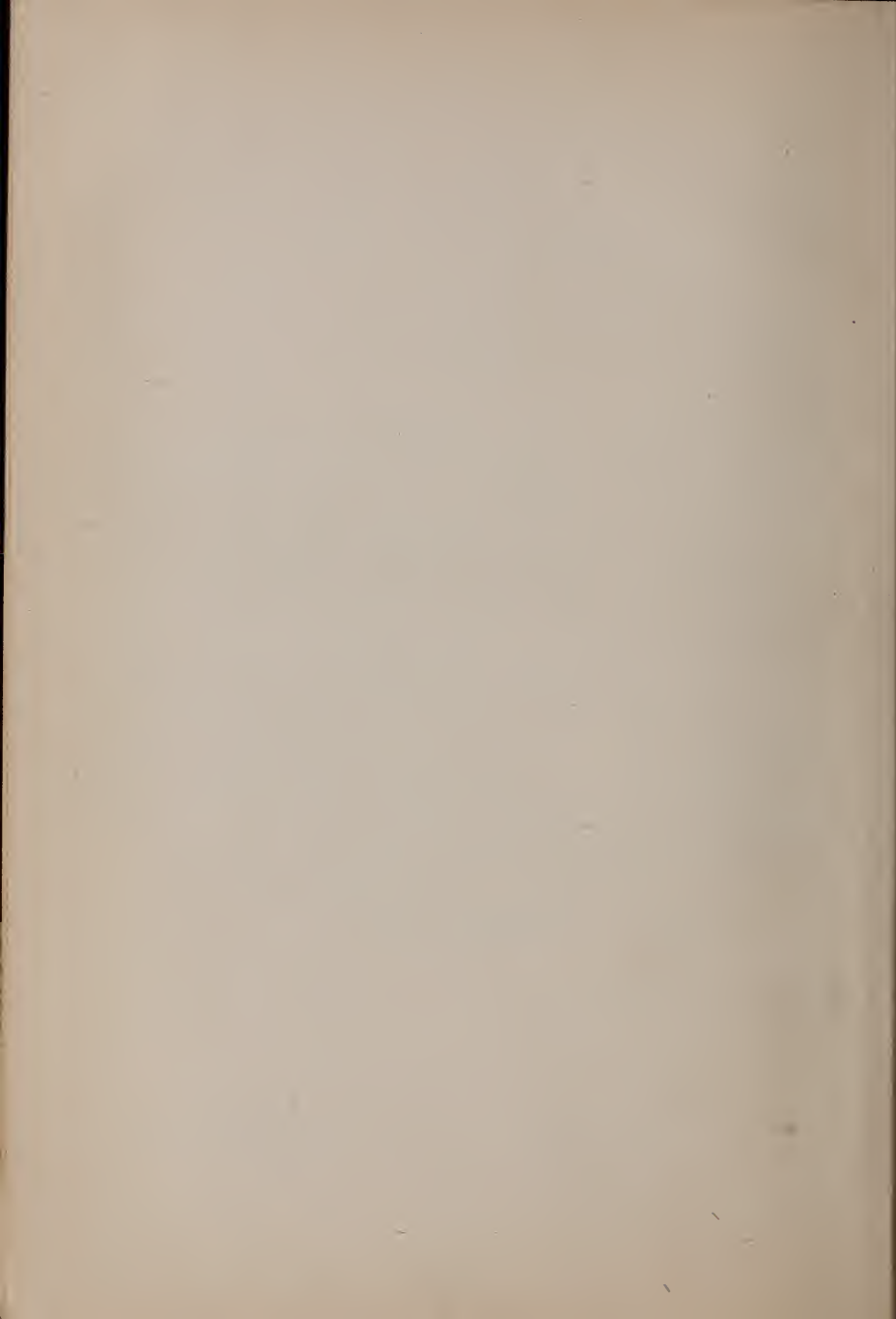
## PREFACE.

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This volume is my contribution to the youth of the State of Indiana. If it shall teach them a better knowledge of the laws and institutions and enable them to become better citizens of this State, I shall be amply repaid. I have endeavored to be so plain that the simplest mind could understand me. All technicalities and technical expressions have been studiously avoided. Perhaps the book contains technical inaccuracies; but that is the necessary result, if there be any, of the attempt to use plain and simple language. My constant effort has been to make the subject attractive to the reader, and to relieve it of dry and unnecessary details. In every school there should be a recent edition of the Statutes of this State, to be used as a reference book, the same as an ordinary dictionary is used.

WILLIAM W. THORNTON.

INDIANAPOLIS, IND., July 1, 1898.



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# THE GOVERNMENT OF INDIANA.

## CHAPTER I.

### HISTORICAL SKETCH.

#### 1. *Early Explorers.*

It was more than one hundred and sixty years after Columbus discovered America before a white man's foot pressed any of the soil of the territory now forming the State of Indiana. It cannot be said to-day who were the first white men to enter the present boundaries of the State; but the first known white man was a Frenchman, called Robert Cavalier, Sieur de la Salle. In history he is usually called "La Salle." He first explored some parts of Indiana in 1669, probably as far as where the city of Louisville, in Kentucky, is now situated. For ten years after this time he was possibly not within this present State, although traders with the Indians no doubt made frequent trading trips to it. La Salle came from Canada, then governed by the French, but was born in France. After 1679 he made several trips to this State, probably passing up and down the Wabash river (then and for a long time called "Oua-bache"), until he was assassinated in 1687.

#### 2. *First Settlements.*

By reason of these first explorations of La Salle, and also of other Frenchmen, the French government claimed the

ownership of all the country west of the Alleghany Mountains, down the Mississippi river to the Gulf of Mexico. The French king gave the exclusive right to trade with the Indians in all this vast region, except the northern part, in 1712, to a favorite, who proceeded to establish some colonies in that part of the region now within the boundaries of the State of Louisiana. In time the French established forts or settlements on the eastern bank of the Mississippi river, opposite but below where St. Louis is now situated, within the present boundaries of Illinois. The oldest of these was Kas-kas'-ki-a, established about 1712, and which became quite a town. Some fifteen miles up the river, near together, were Prairie de Rocher, Fort Chartres and St. Phillips; and still further north, near where St. Louis now is, was Ca-ho'-ki-a. Some of these were established before and some after the first settlement was made within the present limits of Indiana. Of course, in that day there was no Illinois, no Indiana, nor any of the present western States. The earliest place settled within the present boundaries of this State was Ouiatanon (We-aw'-ta-non), in 1720. It was a trading point and afterwards a fort, established by the French, and was situated within a few yards of the north bank of the Wabash river, and about eighteen miles west of the mouth of the Tippecanoe river, or four miles west of where the city of Lafayette is now situated. It disappeared more than one hundred years ago. The second place was Vincennes, in 1727. It was named after a Frenchman of that name, who founded it. At first it was a mere trading point, frequently called "Post Vincennes," or "The Post," "Old Post," or "Au Post." In time a fort was built there. Unlike the early settlements in Illinois, Vincennes has retained much of the prominence it achieved in the early days, and is now a beautiful city. It

was built near an Indian village, called "Chip-kaw'-kay." The third settlement was Fort Miamis, near the present site of Fort Wayne. Only Vincennes really became a town; the two others were mere forts. Vincennes was governed by the French authorities of Louisiana, and Ouiatanon and Fort Miamis by those of Canada, the country being divided by a line running east and west three or four miles north of the present site of Terre Haute.

### *3. Country Surrendered to the English.*

In time, war came on between the English and French, resulting in the conquering of Canada by the English in 1760, and the surrender by 1763 of all the territory occupied by the French east of the Mississippi, except a small part of Louisiana. The English attempted to deprive the French residing in the conquered territory of their lands, but this raised such an outcry that it was agreed they should not be disturbed. The French inhabitants, however, did not own much land, only a few hundred acres around each post or fort.

### *4. Conquest of the Northwest.*

The English did not long enjoy the country they had taken from the French. In 1775 the War of the Revolution began; and in 1776 the Declaration of Independence was adopted. After that there was no longer any hope of the American colonies re-uniting with the mother country. In 1777 the State of Virginia decided that it would drive the British out of all the territory lying northwest of the Ohio river, now covered by the States of Ohio, Indiana, Illinois, Michigan and Wisconsin; and for that purpose, in 1778, it authorized Col. George Rogers Clark to raise seven companies of men. He recruited 153 men. Because of his success

on this expedition Col. Clark was afterwards given the commission of a General. He gathered his troops on Corn Island, in the Ohio river, opposite the present site of the city of Louisville, and started down that river on June 24th, 1778. He captured Kaskaskia on July Fourth, and the other French towns in that vicinity a few days afterward. At that time there were no British troops at Vincennes, and Col. Clark sent an officer and a few men to take charge of the place. This they did, but shortly after the place was re-taken by Col. Hamilton of the British army. In the following February Clark resolved to march across the country now comprising the State of Illinois, and recapture Vincennes. This was a distance of 175 miles. There were no roads or bridges then; and the men often had to wade breast deep in water, after breaking the thin ice in order to do so. It took eighteen days to make the trip; and on February 25th, 1779, the British troops, after a day's and night's fighting, surrendered the fort, which was then called "Fort Sackville." At that time there were no English troops nearer than Detroit; so that almost the entire territory, now comprising the five great States named, was wrested from British control. When peace was secured by treaty between the United States and Great Britain in 1783, the Americans insisted that the country thus conquered by Col. Clark should become a part of the United States; and it was so agreed. If Col. Clark had not conquered this great territory, it would have remained a British possession; and we to-day would probably have belonged to Great Britain and not to the United States.

##### *5. The Northwest Territory.*

After Virginia had conquered this territory, it appointed officers to govern it, establishing Vincennes as the seat of

government. The whole territory was known as "Illinois County." As a reward to Clark and his troops that State gave them 149,000 acres of land in what is now Jefferson, Clark and Scott Counties. This tract of land was surveyed differently from other lands, as one can readily see by examining a large map of Indiana; and to this day it is known in history and the laws of this state as "Clark's Grant." After the treaty of peace with Great Britain, it was thought best that the United States should own the conquered territory, and so the Virginia Legislature ordered that the right of that State be released. Accordingly a deed for this entire tract of land was made to the United States. Two of the men who signed this deed afterwards became presidents of the United States; they were Thomas Jefferson and James Monroe. This deed was made March 1, 1784. Near the same time the States of Massachusetts, Connecticut and New York released claims they had on certain portions of this territory, except a large tract now a part of northern Ohio which Connecticut reserved, and which is to this day called the "Western Reserve." In the Virginia deed the territory conveyed is described as the "Territory North-Westward of the River Ohio," and ever since it has been known as the "Northwest Territory."

#### *6. Government of the Northwest Territory.*

After the United States received title to this Territory, Congress in 1784 passed a law for its temporary government: and in 1787 passed another law for its permanent government, which is known in history as the "Ordinance of 1787." The great feature of this ordinance is that it prohibited slavery in the Territory, and eventually caused the five great States of Ohio, Indiana, Illinois, Michigan and Wisconsin to

remain free States. No government of a permanent character was established in the Territory by the United States until July, 1788, when Major General Arthur St. Clair as Governor arrived at Marietta, Ohio, then only three months old. This was the capital of all this great Territory. Afterwards Cincinnati became the capital. It was then often called "Fort Washington," from the fort of that name built there. Nearly all the territory now in Indiana was formed into one county, called "Knox County." This county also embraced a part of the present state of Illinois. Vincennes was the county seat.

#### 7. *Indiana Territory.*

In 1800, Congress divided the Northwest Territory by a line very near where the dividing line is now between Ohio and Indiana. All the portion east of the line was called the "Northwest Territory;" and all the portion west, "Indiana Territory." Vincennes, then called "Saint Vincennes," was made the capital of Indiana Territory. William Henry Harrison, who afterwards became President of the United States, was appointed Governor. He was, therefore, our first Territorial Governor. At that time there was no Legislature, the Governor and judges of the court adopting such laws as they thought were needed. There was only one court, but it had several judges. John Gibson acted as Governor for nearly a year and then William Henry Harrison assumed the office and served until 1812, when Thomas Posey was appointed in his place. In 1805 enough people had settled in Indiana Territory to authorize the election of a Legislature, and that was done. The Legislature met at Vincennes February 1, 1805, and passed a number of laws. In this year nearly all the country now comprising the State of Michigan was cut off

from Indiana Territory, and called "Michigan Territory." It had been known as "Wayne County." In 1809 Indiana Territory suffered a further reduction in size, when all the country west of the present boundary line of the State of Indiana was cut off and called "Illinois Territory." Vincennes continued to be the capital of Indiana Territory until 1813, when it was moved to Corydon, in Harrison county. The building then erected for the use of the territorial officers and the Legislature is still standing and is used as a courthouse for Harrison county.

#### 8. *Slaves.*

There were slaves in those days in Indiana, although it was supposed that the Ordinance of 1787 forbade slavery. The first slaves were owned by the French inhabitants when this part of the country was under the French control. They were treated kindly by their owners; and they enjoyed almost as much freedom as if they had been free. In 1800 there were 175 slaves in Indiana; in 1810 the number was 237; in 1820 the number was 190, although Indiana was then a State; and in 1840 there were 3. These slaves, after 1787, were held in defiance of the law.

#### 9. *The First Newspaper.*

The first newspaper published in the State was called "The Indiana Gazette," and was first published at Vincennes, July 4, 1804. Three years later its name was changed to the "Western Sun." Complete copies of these papers are still in existence. Their first editor was Elihu Stout, a man whose name is connected with much of the early history of this State, for he was a long time the State Printer.

*10. Tippecanoe Battle.*

The only battle of any prominence in history, that has been fought in Indiana, except the capture of Vincennes by Col. Clark, was the Battle of Tippecanoe. In 1811 the Indians began to form a confederacy to drive the whites out of the State, or at least out of all except the extreme southern part. General William Henry Harrison, at the direction of the United States, marched with a force of nine hundred men into the Indian country. Early on the morning of November 7, 1811, he was surprised at a place where the army had encamped for the night, six miles northeast of the present site of Lafayette, on a rising piece of ground on the bank of a creek, now called "Burnett's Creek." After a severe battle with the Indians, they were defeated and their power in this State forever broken. The Americans lost 37 killed, and 151 wounded, 25 of whom afterwards died of their wounds. The State has long owned this Battle Ground. The present constitution makes it the duty of the General Assembly to provide for its permanent inclosure and preservation. This has been done, and a high iron fence incloses the site of the battle. In one grave on this ground many of the whites that were slain were buried.

*11. Becoming a State.*

By the year 1815 Indiana had enough inhabitants to become a State. A census was taken and it was found that the number was 63,897. On December 14, 1815, the Territorial Legislature petitioned Congress that the Territory be admitted as a State; and on April 19, 1816, Congress passed a law defining the boundaries of the proposed State, and providing for the election of representatives to form a constitution for it. The election was held on the second Monday of

the following month. The representatives thus elected met at Corydon June 10, and formed the State's first constitution, known as the "Constitution of 1816." As the weather was warm most of their sessions were held under a great elm tree, still standing in that town.

The Convention completed its work in eighteen days. The last day of the session it accepted the propositions contained in the Act of Congress of April 19th. On the first Monday of August, of the same year, a general election for State officers and members of the General Assembly was held. Jonathan Jennings was chosen Governor; and thus became the first Governor of the State. William Henry Harrison, as has been stated, was the first Governor of Indiana Territory. On the 7th the Governor was sworn into office. The General Assembly met on November 9th, and elected James Noble and Wallace Taylor as Indiana's first United States Senators. On December 11th, 1816, Indiana was formally admitted by Congress as one of the United States.

#### *12. The State of Indiana.*

The State of Indiana is 276 miles long in its extreme length, and has an average width of 140 miles. It has 36,350 square miles of territory, of which 440 are water and 35,910 land. All this vast territory was purchased from the Indians under treaties, except a few thousand acres around Vincennes, which the Indians gave to the French settlers of that place. The first treaty was August 3, 1795, known as the "Treaty of Greenville," and the last, June 10th, 1872. The total number of treaties are fifty-four. In many places in the State are regions called "reserves." These are places the Indians reserved for themselves; but in time they sold nearly all of these to the whites. These reserves are more

numerous along the Wabash river than elsewhere. The greatest extent of territory purchased of the Indians at one time lay in the center of the State, and included the present site of Indianapolis. It is known in history as the "New Purchase."

### *13. The Seat of Government.*

The seat of government continued at Corydon after the constitution was adopted. In the Act of Congress of 1816 for the forming of Indiana as a State, the United States gave the State four sections of land, amounting to 2,560 acres, for a new capital. In 1820 commissioners were appointed by the State to locate the site of the new capital; and they selected four sections where the city of Indianapolis is now situated. The State laid off the town. At that time the nearest white settlement was Connersville, sixty miles away. In 1825 the government formally moved to the new capital, the records being hauled in wagons, it taking ten days to make the trip. A new court-house had been built at Indianapolis, and in it the Legislature held its sessions for ten years. Several of the State officers also had their offices in this court-house. It was built by the State. In 1835 a new brick State-House, at the cost of \$60,000, was completed. It stood on the site of the present State-House, and at the time of its completion was the finest building in the West. This building was the place in which were held the sessions of the General Assembly for forty years, when it became unsafe for further use. In 1877, the session of that body was held in the new court-house at Indianapolis; and so continued to be held there until 1887, when the present State-House was completed. It took ten years to build it and it cost \$1,980,-969.00. The State-House grounds occupy two squares—

nearly ten acres in area. In it all the State officers have their offices. The Legislature meets there, the Senate and House of Representatives each having their respective chambers or halls; and there the Supreme and Appellate Courts meet, each having separate court-rooms; and in it are kept the general library of the State and the Supreme Court law library. The extreme length of the State-House is 496 feet; and the extreme width 285 feet. To the top of the dome is 234 feet.

#### 14. *The Early Churches.*

As early as April 21, 1749, there was a church at Vincennes, built of logs stood on end close together, and the cracks or interstices filled with clay, called "daubing." It was a Catholic church, and continued to be the first church building until 1802, when a Methodist church was built of logs two miles from Charlestown. This church is still standing. In 1804 a Baptist church was built on Silver Creek near Charlestown; and in 1815 a Presbyterian church near Vincennes. Of course church services were held long before these buildings were erected; and church organizations had been formed before any churches were built.

#### 15. *Roads and Canals.*

At first there were few roads in the State; but in time many were cut through the thick forests. The construction of the most important road was begun by the National Government, and was called the "National Road." It really began at Baltimore, Md., passed through Frederick and Cumberland of that State, through Columbus, Ohio, and then through Richmond, Cambridge, Greenfield, Indianapolis, Danville, Greencastle and Terre Haute. It was laid out

through Illinois to St. Louis, Mo., but never completed; in fact, it was never completed through western Indiana. At Indianapolis it passed along Washington street, by the capitol and across White River over a bridge still standing. Another important road was called the "Michigan Road." This road was built by the State. It began at Madison, on the Ohio river, passed through Indianapolis and Logansport to Michigan City on Lake Michigan. Part of the way it was made a plank road. For the construction of this highway the United States gave the State 170,000 acres of land. In 1827 the United States also gave the State several thousand acres of land with which to build a canal through the State.

The State of Ohio undertook to build a canal to the Indiana line. Indiana then constructed a canal, beginning with the Ohio canal, through Ft. Wayne and down the Wabash river through the principal towns. Before reaching the Ohio river, the canal passed to the east of the Wabash, and terminated at the city of Evansville. This canal was a useful medium for the transportation of grain, merchandise and passengers, until superseded by railroads. It was called the "Wabash and Erie Canal." The State built a portion of another projected canal at Indianapolis, about twenty miles in length, called "Central Canal," but it was so short that it was never used. In 1836 the State began the construction of a railroad, the first in the State, running from Madison to Indianapolis. It sold the road long before it was completed. It took ten years for this railroad to reach the city of Indianapolis; and it at once formed an outlet for the produce of Central Indiana.

## CHAPTER II.

### THE PRESENT CONSTITUTION—BILL OF RIGHTS.

#### *1. The Adoption of the Constitution.*

The present constitution was adopted August 4, 1851, and went into force November first of the same year. A constitution is a very different thing from a statute: the former is adopted by the voters of the State, the latter by the Legislature. When the Legislature is of the opinion that there should be a new constitution, it adopts or passes a law providing for the election of delegates to a convention, called a "Constitutional Convention." These delegates are selected by the voters in each county, usually at least one delegate for a county. The counties having a large population are generally given more than one delegate. In the convention of 1851 the number of members was equal to the total number of senators and representatives of the General Assembly, and they were elected from the Senatorial and Representative districts. These delegates all sit together; they are not divided into two houses like the Legislature. After being organized, by the administering of an oath to the members, the convention proceeds to elect a presiding officer, a secretary and other necessary officers. After this it proceeds very much like the Legislature, if it were in session and composed of only one house or body. When the convention has drawn up the proposed constitution to its satisfaction, it adjourns, never to meet again. The Legislature then provides by law, if it has not already done so, for the submission of the proposed con-

stitution to the voters of the State, for as yet it is not a law, it is not in force. An election is then held, and the voters or electors of the State on the day fixed for it, cast their votes or ballots for or against the proposed constitution. Those who favor its adoption vote a ballot having printed on it the word "Yes;" and those who oppose it, vote "No." Sometimes the words "Yes" and "No" are both printed on the ballot, and the voter indicates how he desires to vote by placing a mark in the shape of a cross opposite one of these words. If a majority of all those voting have voted "Yes," the constitution is adopted; and if not, it has been rejected. In the latter instance it never becomes a law; in the former it either goes into force at once, or at a time fixed at a date named in it. This is the way our present constitution was adopted.

## 2. *The Amendment of the Constitution.*

The present constitution may be amended or changed; but the process is tedious. If the Legislature thinks that it ought to be amended, each house adopts a resolution, providing in what particular part it shall be amended or changed. This resolution is printed with the laws or statutes adopted by that session of the Legislature, and also set out at full length on the journals of each house. If each house at the next Legislature, held two years afterward, ratify the same resolution (it cannot change it), a law is then passed for the submission of the proposed amendment to the voters of the State, for their adoption or rejection of the proposed change. If it is not thus ratified, no further proceedings are taken. These voters vote for or against the proposed amendment, usually at some general election. If a majority of those voting on the question cast their ballots for the change, then

the constitution is amended; but if a majority vote against it, there is no change.

### 3. *The Force of the Constitution.*

A constitution for a State provides the general outlines of its government. It usually provides how certain things must be done, and forbids the performance of certain other things. It creates certain offices and these are known as "Constitutional Offices." The Legislature may, however, create any other office it sees fit; but it cannot create an office that will take the place of a constitutional office. It cannot change or repeal any part of the constitution; that can only be done in the manner described in the last section. A constitution always provides that certain things shall not be done by the Legislature; and if that body disobey these provisions, its laws or statutes will be void. Sometimes it is difficult to tell whether a certain statute for this reason is or is not void; and then the Supreme Court is usually called upon to decide the question. Its decision is binding upon the Legislature, all the courts of the State, all officers and all persons. It often happens that many years go by before it is discovered or decided that a statute is void. A statute is always adopted or enacted by the Legislature; and for or against its adoption the people never vote. They may demand of their representatives or members of the Legislature that they adopt a proposed law or repeal one already adopted, but these representatives or members are not bound to pay any attention to the demand. The constitution is a "law" and is often called the "Fundamental Law of the State." It cannot, however, contravene or be in conflict with the Constitution of the United States, or a law enacted by Congress in pursuance with the provisions of that instrument, nor with a treaty of the United States

with a foreign country. If any of its provisions be so in conflict, they will be void. If there is or is not such a conflict the Supreme Court of the State or of the United States usually decides the question; and this decision is binding upon all persons and officers. If our State Supreme Court decides one way and the Supreme Court of the United States differently, the decision of the latter court controls, and only its decision is binding; and it must be followed.

#### *4. The Bill of Rights.*

The "Bill of Rights" is contained in the present constitution, usually called the "Constitution of 1851." Nearly every State constitution has a bill of rights, although the Constitution of the United States has none. The first thirty-seven sections of our present constitution contains our Bill of Rights. The Bill of Rights is so called because it embraces, or contains provisions concerning certain rights that are declared to belong to the people, and which shall never be taken from them. These provisions are a protection for the people in their liberty, rights and property as against Legislature, the courts and the officers of the State. Many of these provisions we have inherited from our English ancestors. Many are taken almost literally from the Great Charter (usually called the "Magna Charta") of Great Britain, granted by King John to his subjects in 1215, after he had been forced to do so. It is also called the "Charter of English Liberty."

#### *5. Natural Rights.*

The first provision of the Bill of Rights is a declaration that "all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among

them are life, liberty, and the pursuit of happiness." These provisions are taken directly from the Declaration of Independence. When it is said that all men are "created equal," it is not meant that they have the same amount of wealth or property, or that one man is created with the same mental capacity or power as another. One man may be born with greater powers of mind than another; and here there is nothing that a government can do to make them equal. By the phrase "created equal" is meant that one man has just the same rights before the law as another; that a poor man has exactly the same rights as a rich man, or a weak man as a strong man; and such is the fact, although we often, for a time, forget it. If a rich man commit a crime, the law provides for him the same punishment it provides for a poor man committing the same crime; and if he does not receive the same punishment it is the fault of the State's officers, the court or the jury, for they have the entire matter in their hands. The "unalienable rights" referred to above are "life, liberty, and the pursuit of happiness." By the use of the word "unalienable" is meant that a man can never legally give these away,—he cannot lawfully give or agree to give away his life, nor his liberty, nor his right to pursue or obtain happiness. No agreement he may enter into to give away or forfeit these is binding upon him. He may forfeit his life or liberty by the commission of a crime; but by so doing he does not agree that his life or liberty may be taken from him. The State takes these, when he has committed a crime, without his consent. Another clause of this section is "that all power is inherent in the people." By this is meant that all the powers of the State government, of its Legislature, its courts and its officers,—are derived from the people of the State and from nowhere else. The people of the State have the right

to take away the powers of the Legislature, the courts and the officers, by proper constitutional provisions, although there is no likelihood they will ever do so. Another clause provides "that all free governments are, and of right ought to be, founded on the authority of the people, and be instituted for their peace, safety and well-being." In this clause is the declaration that a free government ought to be founded only upon the authority of the people; for if it be founded upon any other authority, the freedom of the people may be taken away from them without their consent. This clause also declares the object of a government, which is to secure the "peace, safety and well-being" of its people. And this is the chief object of all governments, and for the security of which they are organized. If a government will not secure its people peace, safety and well-being, it is hardly worthy of the name of government, and it has failed in its greatest duty. The securing of a people in its peace, safety and well-being also includes their protection in the rights to their property and its preservation from robbers and its destruction by violence. This clause on the natural rights of the people also recognizes the fact that the people may, at all times, change, alter or reform their government; and that they can never deprive themselves of this right by any agreement or constitution they may adopt. And such is the fact. If they could deprive themselves of this right they might enslave themselves, or create a government that could deprive them of their properties, without any power to right the wrong. This right to change, alter or reform their government is said to be "unalienable," by which is meant that it cannot be given away.

#### *6. Religion—Freedom of Thought.*

The constitution secures to all persons within the State

their "right to worship Almighty God according to the dictation of their own conscience;" and it declares this is a "natural right." In days gone by governments have attempted to compel their people to worship in a particular manner or to belong to a particular church. This our constitution forbids. Indeed it provides that "No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions or interfere with the rights of conscience." These are strong clauses and secure religious freedom. As if not satisfied with these, other strong clauses are added. Thus, "No preference shall be given by law, to any creed, religious society, or mode of worship; and no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent." By this clause all religious societies or churches are put upon an equal footing, and no preference can be given to one over the other. All religions are permitted, whether Christian, Jewish, Mohammedan, Buddhist, or even Mormon, so long as its followers do not practice polygamy. A man may believe any of these religions, or in any other; but he is not bound to do so, nor be a member of any church. In times past in other countries, and even in Massachusetts, property owners were taxed to support a particular church, generally called the "Established Church," because it was supported by the government under laws enacted for that purpose; and it was chiefly to guard against this burden that this clause was adopted. We have Sunday laws, it is true, which prohibit men and women working on that day; but these laws are not religious laws. In all enlightened countries it is considered that there ought to be regular days of rest for the people, and that it is the duty of the government to compel them to take the benefit of these periods of rest. No man

can work all the time and live as long as if he were to observe days of rest. If one were to work all the time he would soon break down, and might become a burden on the public. If war should come and the government need his service, he would be an unfit soldier, because of his worn-out physical condition. It is for these reasons that laws are made for the observance of Sunday as a day of rest. The law could provide that this day of rest should be Wednesday or any other day of the week, just as well as Sunday; but as a very great majority of the people of this country voluntarily observe Sunday as a day of rest, the law has wisely fixed that day as an enforced day of rest; and thus much contention and friction is avoided. The constitution further provides that "No money shall be drawn from the treasury for the benefit of any religious or clerical institutions." This prevents the Legislature voting any money to any church or religious organization; and if it were to attempt to do so, the law would be void. Another clause provides that "No religious test shall be required as a qualification for any office of trust or profit." In former years, in other countries, no one could hold an office under the government unless he belonged to the established church; and thus many worthy people were debarred or prevented from holding office. It was to prevent any laws having this end in view that this provision was inserted in the constitution.

#### 7. *Witnesses—Oaths.*

The constitution provides that "No person shall be rendered incompetent as a witness in consequence of his opinions on matters of religion." In former days, in other countries, laws prevailed which prevented the use of any witness in any case who did not believe in the Christian religion; and while

there might be many persons who knew all about the facts in the case, yet if they were not Christians they could not tell it in court at the trial. This had the direct effect to prevent the telling of the truth at the trial, and often brought about a failure of the courts to do justice. Another clause provides that "The mode of administering an oath or affirmation shall be such as may be most consistent with and binding upon the conscience of the person to whom the oath or affirmation may be administered." Under this provision in our courts a Chinaman, although we may call him a "heathen," because he is not a Christian, may be sworn as a witness to tell the truth as readily as any one else. An "affirmation" is the same as an oath, only differing from it in some of its wording. When a person is called as a witness in a trial in court, either the judge or clerk of the court administers this oath to him: "You do solemnly swear that you will tell the truth, the whole truth, and nothing but the truth in the case now on trial. So help you God." But occasionally a person objects to the use of the word "swear," and he is then required to affirm. This affirmation is as follows: "You do solemnly affirm that you will testify to the truth, the whole truth, and nothing but the truth; and this you do under the pains and penalties of perjury." But in the clause quoted the constitution recognizes other methods of administering an oath or affirmation, by providing that the mode of administering it "shall be such as may be most consistent with and binding upon the conscience of the person to whom it is administered." While it is seldom done, yet the oath that is most binding on the witness may be administered to him, whatever its form or whatever ceremony may be necessary to use in administering it. By the use of the words "pains and penalties of perjury," is meant that the witness testifying has

before him the fear that if he do not tell the truth he will be punished by imprisonment in a prison.

8. *Free Speech.*

The right to "free speech," whether in writing or speaking, has always been recognized as a very valuable thing in a free government. This right is secured to us in the provision that "No law shall be passed restraining the free interchange of thought and opinion, or restricting the right to speak, write or print, freely, on any subject whatever; but for the abuse of that right every person shall be responsible." This clause secures the liberty of the press and its right in the public prints or newspapers to discuss and criticise all matters of government and all governmental acts and deeds. Any one may discuss and criticise all public measures. Indeed, he may discuss or write about any man's private affairs, however bad taste or improper it may be, so long as he tells the truth. But if he discusses a man's private affairs and thereby injures his character, or damages him in his reputation or property, he will be liable to pay such man the damages he has suffered, unless only the truth has been told about him. It is by the use or telling of a falsehood that is meant the "abuse" of free speech. A "slander" consists of spoken words which are untruthful; but if the same words are put into writing or print they are a "libel," and this is all the difference there is between a slander and a libel. If one be sued for libel or slander, he may always show, if he can, that the words said to be libelous or slanderous is the truth; and if he prove that, it will be a complete defense.

9. *Unreasonable Search or Seizure.*

The constitution provides that "the right of the people to be secure, in their persons, houses, papers, and effects,

against unreasonable search or seizure shall not be violated." In England, in early days, the officers of the government were often over-bearing and tyrannical; and to secure evidence of suspected treason or guilt in persons accused they would, with force, seize these persons, their papers and effects, and intrude themselves into their homes for that purpose. In time laws were put in force to prevent this; and in this clause just quoted we have the result of all these laws. But a person suspected may be arrested, his papers and effects seized and house searched, if some one will make oath before a magistrate authorized to issue a warrant or order for the arrest of such person, or seizure of his papers and effects, or search of his house, that he believes such person has committed a crime, describing what it is, and where the articles stolen or taken are concealed. When this is done, the magistrate issues the warrant or order for the arrest or for the search and seizure of the articles. This is called a "Search Warrant."

#### 10. *Courts Must Be Open.*

"All courts," provides the constitution, "shall be open; and every man, for injury done to him in his person, property, or reputation shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay." This secures to every man a remedy for any legal injury he has suffered in person or property, and a trial. All trials, of course, are public; and if a man were denied a public trial, it would be such a wrong that the Supreme Court would set it aside, if the man thus denied were to invoke its aid. It is one of the boasts of our race that our courts give or administer justice without being bribed to do so, as was not the

case hundreds of years ago in corrupt times; and this clause now secures it beyond a doubt. Not only is an injured person entitled to relief, but he is entitled to full or complete relief, without any denial; quickly, and without delay. He must, however, await his turn in court, if there be more cases than one, even if it take months to reach his case; for other suitors have just as good rights as he to have theirs cases tried.

#### *11. Rights of the Accused.*

Whenever a person is accused in court of having committed a crime, he has the right to a public trial, and by an impartial jury, if he desires it. He also has a right to a trial in the county where it is charged that the offense was committed; but this right he may waive if he see fit; and have the case sent to another county for trial. But unless he consent to its trial in another county, the State must try it in the county where the crime was committed, and cannot ask to have it sent to another county. He has also the right to be heard both by himself and counsel if he desire it, and "to demand the nature and cause of the accusation against him, and to have a copy" of the instrument containing this accusation or charge. He also has a right to insist that all witnesses against him shall be called to testify in open court before him, to meet him "face to face;" and to a writ or order of court issued to compel all witnesses he may desire to testify for him to appear in court at the trial and testify or give in their evidence under oath. All these are great barriers thrown around an accused person to secure him a fair and just trial. But there are other barriers or guards thrown around him for his protection. For instance he can only be tried once for the commission of the same offense. But if he be tried and convicted, and then obtain

a new trial, he may again be tried; for by asking and obtaining a new trial, he has consented to a second trial of himself. Nor can he be compelled to testify against himself; although he may do so if he see fit. If a person be arrested or confined in jail he must not be treated unnecessarily harsh or with unnecessary rigor. If it is a case where he can be let out on bond or bail while waiting for his trial to come off, the bail must not be put at an excessively high figure or amount, so that it might be out of proportion to the offense charged and be so high that none could be given. Nor can excessive fines be imposed upon the accused; by which is meant a fine greater in proportion than the offense committed. No cruel and inhuman punishment can be inflicted. In some barbarous countries they cut off an ear or put out an eye of a person who has been convicted of stealing; but such punishment could not be inflicted in this State, for it would both be cruel and inhuman, and such punishment is forbidden by the constitution. Indeed, all fines or punishments must be apportioned to the nature of the offense or crime. In all cases except murder and treason, the accused may always be let out of jail if he will give a bond or bail with sufficient sureties for his appearance in court when wanted; so also one charged with the commission of murder or treason may be let out on bond or bail, unless the proof against him is clear or a strong presumption of his guilt exists. Two objects are always kept in view in punishing a criminal: one is to punish him for having violated the law and thus deter him from committing another crime; and the other is to reform him so as to take away from him the desire to commit another crime. For these reasons the constitution provides that laws providing punishment for crimes committed "shall be founded on the principles of reformation and not on vindictive justice."

*12. Compensation for Services or Property Taken.*

It is not right that the State should take away any man's services without paying him for them. Thus, if the State should want a blacksmith to shoe one of its horses, or a workingman to shovel dirt for it, it would be manifestly unfair to compel him to do the work without making or paying him a compensation for such services; and so the constitution does forbid it. Nor does the state take a man's property without paying him a just compensation for it; and if it be taken for private use, as a route for a railroad, it must be paid for at its full value, before it is taken, although if taken for the State it may be first taken and then paid for afterwards. In former times governments were in the habit of taking both a man's services and property and not paying him for them; and this provision of the constitution was to guard against any such abuse.

*13. Imprisonment for Debt—Exemption.*

In the early history of this State if a man owed a debt and he did not pay it, the courts might send him to jail. If the debtor had no money or property he was thus deprived of all opportunity to earn money with which to pay the debt; but now, happily, no man can be sent to jail if he do not pay a debt, except in a case where he has disobeyed the court. If he have money or property sufficient to pay a debt, the court may order him to pay it, or deliver up enough property, or such property as he has, that it may be sold and the debt paid; and if he disobey the order of the court he may be sent to jail until he complies with its order. But under no other circumstances can he be imprisoned for debt; for the liberty of the citizen is considered of greater importance than the payment of his debts. So it is of greater importance to

the State that a man should not be stripped of all his property in order to pay debts he has contracted, than he should be compelled to pay them, and, being deprived of all his property, he and his family become paupers and a charge upon the public charity. For this reason it is provided that a debtor of this State shall be entitled to a reasonable exemption of property from seizure or sale for the payment of any debt or liability he has contracted to pay. This amount has been fixed at six hundred dollars for a householder, or married woman who is an inhabitant, of this State; but for men who are not householders or who do not keep a house, and for unmarried women, not householders, there is no exemption. It is only in case where a person has contracted to pay a debt that exemption is allowed; for if he were to go and destroy another's property he would be liable to pay the owner its value, and as against this charge he could not claim any property exempt; for it is a debt not founded upon a contract, and for such a debt there is no right of exemption.

*14. Equal Privileges—Ex Post Facto Laws.*

Every citizen of the State, under the law, is entitled to the same privileges; and the Legislature cannot give one man any privilege that it does not give to all men upon the same terms, nor can it give any class of men a privilege it does not give to all upon exactly the same terms. This is to prevent the Legislature from building up a privileged class of citizens, so that they would have greater advantages than others. So, if a man has entered into any lawful contract with another, the Legislature cannot after that enact or adopt any law which will impair or render it of less value than it was when made. Nor can the Legislature adopt a law making an innocent act, previously performed, a crime; for it would be mani-

festly unjust to punish a man for having done a particular thing when at the time he did it, it was not a crime to do it. If that could be done, no man's liberty or property would be safe, indeed his life might not be safe. Such laws are generally called laws impairing the obligation of a contract, or *ex post facto* laws.

15. *Effect of Conviction.*

According to the laws of England, and in some of the States of the Union, at an early day, it was provided that if a person was convicted of having committed a crime, he should forfeit all his property to the government; nor could he thereafter inherit property, or property be inherited from him. This was a manifest hardship and manifestly unjust. So a provision was inserted in our constitution to prohibit the passage of any law to this effect, in these words: "No conviction shall work corruption of blood or forfeiture of estate."

16. *Right to Assemble and to Bear Arms.*

In former days many governments forbade their people from assembling or coming together to discuss public measures. It was an act of tyranny to forbid them so doing, but it was done by men in authority in order to perpetuate or maintain their power. But in this State, the people have that right and privilege, if they assemble peaceably. This secures them the right to hold public and political meetings and conventions; and this right cannot be taken away from them. It is one of the greatest boons of civil liberty, and is dearly cherished by the people. They have also the right to instruct their representatives in the Legislature and in Congress upon any subject they see fit; and to apply to the General Assembly for a redress of any grievance they may have

suffered. In addition to these privileges, "the people have a right to bear arms for the defense of themselves and the State." This, however, does not mean that they may carry weapons of defense concealed on their persons; whatever they carry as arms must be carried openly, so that all may see them.

*17. Restrictions upon Soldiers.*

In former times it was the practice of governments to quarter soldiers in the houses of the inhabitants if it suited the government's convenience. This is now forbidden in time of peace, unless the owner of the house consent to it; nor can it be done in time of war unless a law provide how it may be done. This prohibition, however, does not apply to the enemy; for he is not bound by it; nor is he bound by any other law of the country he is invading.

*18. Title of Nobility—Emigration Free.*

The Legislature cannot grant any title of nobility, nor confer any distinction so that the children of the person upon whom it is conferred may inherit it. This is to prevent the building up of a class of nobility; for it is the policy of our government that no man shall enjoy any legal privilege or distinction not enjoyed by all. Indeed, no State in the Union can confer a title of nobility. Nor can the Legislature enact a law that will prohibit any one moving out of the State, or, as it is termed, emigrate from the State. In some countries that has been done, but it cannot be done in this State.

## CHAPTER III.

### THE DISTRIBUTION OF POWERS.

#### *1. Three Departments.*

In all enlightened modern governments, unless it be in Russia, the powers of the government are divided into classes or departments. Such is the case with the United States; and the same is true of this State. Thus the powers of the government of Indiana are divided into three separate departments: one of them is called the "Legislative," another the "Executive" (including the "Administrative"), and the third the "Judicial." If an officer be a member of the Legislative Department he cannot exercise or perform any of the functions or powers of either the Executive or Judicial Departments. So, if he be a member of the Executive Department he cannot exercise or perform any of the functions or powers of either the Legislative or Judicial Departments. And lastly, if he be a member of the Judicial Department he cannot exercise or perform any of the functions or powers of the Legislative or Executive Departments. The object in thus preventing an officer of one department exercising the powers of another department, is to keep them separate and distinct; and to prevent one department from overcoming or overriding the other. Thus, the history of the world has taught us that it is very dangerous for the liberties of the people for the body of men that enact or make laws to serve as a court or as Chief Executive or Governor. When the powers of these three departments are kept separate and are

exercised or controlled by officers belonging to only one and not to two of them, such officers serve as a check on the other two departments, and preserve its powers and authority distinct and separate and from encroachment of the other two.

## 2. *The Legislative Department.*

The Legislative Department of the State consists of the "General Assembly," often called the "Legislature." The General Assembly has the power to enact, adopt, pass or make laws for the government of the State. It cannot enact a law for another State, nor for the United States, nor for any foreign country. Any law it may adopt has force only within this State. These laws are frequently called "Statutes." The method of enacting, adopting, passing or making a law or statute will be described in the chapter on the General Assembly. The words "adopt," "enact," "pass," and "make," when used in this connection, all have the same meaning.

## 3. *The Executive Department.*

The "Executive Department" includes not only all executive but all administrative officers. The difference between an executive and an administrative officer is not very plain; and it is usually difficult to tell whether an officer in the performance of a certain official duty is exercising executive or administrative powers. The officer who stands at the head of the Executive Department is the Governor, frequently called the "Chief Executive" of the State. All State officers who are not members of the General Assembly, or Judges, or Officers of Courts, belong to this Department. All county, township, city and town officers also belong to it. It is the most extensive of all the Departments. It is the duty of the officers of this Department to execute or enforce the laws of

the State; and to attend to the affairs and business of the State, Counties, Townships, Cities and Towns in all their various parts.

4. *The Judicial Department.*

The "Judicial Department" consists of the Courts. It also includes all officers of the courts and Justices of the Peace. It is the duty of Judges of the Courts to declare the meaning of the statutes enacted by the Legislature, what is the law, settle disputes between persons concerning property and rights when their aid is asked, and to punish persons who violate the criminal laws of the State. They have officers to record their orders or judgments, and other officers to enforce them. In the chapter on Courts the powers of this Department will be described more at length.

# I.—THE LEGISLATIVE DEPARTMENT.

## CHAPTER IV.

### THE GENERAL ASSEMBLY.

#### *1. Power—Senate and House of Representatives.*

The power or authority to enact or make laws is vested in two bodies of men called the "General Assembly." One of these bodies is called the "Senate" and the other the "House of Representatives." The members of the Senate are called "Senators," and their number can never exceed fifty, although it may be less than this. At present, the number is fifty. The members of the House of Representatives are called "Representatives." Their number can never exceed one hundred, although it may be less. At present they number one hundred. A Senator or Representative is often called a "Member of the General Assembly." Another name for the General Assembly is the "Legislature." This is the name in popular usage.

#### *2. The Election of Members—Terms—Qualifications—Privileges—Pay.*

Senators are elected every four, and Representatives every two, years. This necessarily makes their terms to be respectively four and two years in duration. The State is divided into districts called "Senatorial Districts," according to the population, and one Senator at least, elected from each district. Some districts, as Marion County, where the City of Indianapolis is situated, have more than one Senator, because

of the great number of their population. The State is also divided into other districts, without any regard to Senatorial Districts, for the Representatives ; and at least one, and sometimes more, is elected from each one of these "Representative Districts." Every six years, an enumeration of all male inhabitants over twenty-one years of age, is taken throughout the State, and then these districts are arranged by the next Legislature according to this enumeration. These districts cannot be arranged at any other time unless the first Legislature meeting, after the enumeration is taken, fails to arrange them. If a district contains more than one county, then all the counties in it must be contiguous or joined together ; and part of a county cannot be in one district and the remainder in another. If a Senator or Representative should die or resign his office, the Governor cannot appoint a person to fill the vacancy thus occasioned ; but he must call an election in the district for the purpose of selecting a new member. Every member of the Legislature must be a citizen of the United States at the time of his election, and an inhabitant of the State for two years immediately preceding his selection. He must also have been an inhabitant of the district or county for one year immediately preceding his election for which he is chosen to represent. All Senators must be at least twenty-five years, and all Representatives twenty-one years, of age. A member of the Legislature enjoys certain privileges not enjoyed by private individuals. He cannot be arrested while the Legislature is in session for any debt he may owe ; although he may be arrested if he commit a crime. This privilege extends to him while going to and returning from the Legislature. Nor can any suit be brought against him while that body is in session, nor for fifteen days before its meeting and for a like period after its adjournment. If he say any

thing in speech or debate before the house of which he is a member, when it is in session, he cannot be sued for it, although it be a slander and highly injurious to the person concerning whom it is said. The members receive six dollars a day while the Legislature is in session and twenty cents a mile for every mile necessarily traveled in going to and returning from the Capitol.

### 3. *Sessions.*

The General Assembly meets every two years on the Thursday next after the first Monday of January of the odd numbered years. Its Representatives have been elected at the previous November election; and also one-half of the Senators. One-half of the Senators only are elected every two years, so that the other half will be old, or, as they are often called, "hold-over," Senators. This is called the "Regular Session," and it lasts sixty-one days, including Sundays. The Governor may, however, by proclamation require the members to meet in a "Special Session," which cannot last longer than forty days; but while there can be only one regular session in any two years, the number of special sessions is practically unlimited. The Legislature is not compelled to stay the whole time, but can, if both houses agree, adjourn at any time. Neither the Senate nor the House of Representatives can adjourn more than three days, nor to any place other than that where it is sitting, without consent of the other. The Senate has a chamber on the second floor of the west side of the Capitol building in which to hold its sessions; and the House a like chamber on the same floor on the east side.

### 4. *Officers and Employees.*

The Senate and House of Representatives have a number

of officers and employees or servants. The Lieutenant-Governor is the President or presiding officer of the Senate. It is customary, also, for the Senate to elect a "president," who presides over it when the Lieutenant-Governor is absent; and if the Lieutenant-Governor should become the Acting Governor, then the President of the Senate takes his place; and after becoming the Acting Governor, if the Lieutenant-Governor should die, resign or be removed from office, the President of the Senate would then become the Acting Governor of the State. This is how Hon. James Brown Ray became Governor in 1824. The presiding officer of the House of Representatives (usually called the "House") is the "Speaker;" and he is elected by the members of the House. The Senate has a Secretary and Assistant Secretary, and the House a Clerk and Assistant Clerk, whose duties are to keep records of the proceedings of each body and take charge of all their papers and books. When the session is ended these proceedings are printed in two volumes, one for the Senate and the other for the House, called "Journals." The Secretary of the Senate is elected by the Senate, and the Clerk by the House; and each appoints his assistants, besides a number of subordinate clerks or assistants. Thus, in the House, the Clerk elected appoints a File Clerk, whose duty it is to note the time of filing of all papers presented to the House; and a Reading Clerk who reads all papers and documents read to the House. Besides these there is a Deputy Clerk, an Endorsing Clerk, three Engrossing Clerks, three Enrolling Clerks, one Folding Clerk, one Minute Clerk, one principal Journal Clerk, and five Copying Clerks. These receive five dollars a day. The Senate has a like number of clerks. Besides these, each house has a door-keeper, and seven assistants, whose duty it is to attend the doors opening

into the respective chambers of the two houses, and prevent all persons entering who are not entitled to an entrance. They receive each five dollars per day. Each house also has five "pages," usually lads from ten to fifteen years of age, and one messenger, at two dollars per day. Each house likewise has a postmaster, whose duty it is to bring the mail of its members and officers from the post-office and distribute it.

#### 5. *Organizing the House.*

When the Legislature first meets each house proceeds to "organize," as it is called, which means the administration of the oath of office to the new Senators and to all the Representatives, and the election of proper officers. If the Lieutenant-Governor be present, he presides at the organization of the Senate; and if he be not present, then the Auditor of State presides; and in the absence of the latter, one of the Judges of the Supreme Court. If it is the first time the newly elected representatives have met, there must be a Speaker elected; and the Speaker will serve at any subsequent session, until a new Legislature be elected. At its first session, the Secretary of State always presides over the organization of the House; and if he be not present, then one of the Judges of the Supreme Court. The officer who presides at the organization makes out a list of the newly elected legislators from the official returns in the Secretary of State's office. From this list he calls the roll, and then some judge of a court administers the oath of office to them. The House of Representatives then proceeds to elect a Speaker. As each member's name is called he announces the name of the person for whom he votes, and his choice is recorded. The person elected Speaker receives a majority of all the mem-

bers, or at least fifty-one votes. As soon as the Speaker is elected, he takes the chair and presides over the House, the Secretary of State retiring. The same order is pursued in the Senate if the Lieutenant-Governor is absent; and if he be present, the only change is that usually no President of the Senate is elected; that is deferred until a later day. If a new Lieutenant-Governor has been elected, he does not preside at the organization of the Senate, for he is not sworn into office until several days later; the old Lieutenant-Governor performs that duty. As soon as the two houses are organized, they appoint a committee to wait upon the Governor and inform him of that fact; and he then proceeds to deliver to the two houses his message.

#### *6. Duties of the Presiding Officers.*

The duties of the presiding officers in both the Senate and House of Representatives are many and often burdensome. Each, of course, presides over the deliberations of his respective chamber. He preserves order and for that purpose has a small gavel or mallet with which he calls the members to order and secures their attention. He puts all questions or motions before the house and declares whether or not they have been carried or defeated; he decides questions of parliamentary law, and directs the officers in the execution of their several duties. If a vote should be a tie, he gives the casting vote. This casting vote is often of very great importance; for often measures of great weight can only be carried by its aid. As soon as a house is convened, its presiding officer divides the members up into committees, for the purpose of hastening legislation. The number of these committees vary from session to session. The first man appointed on a committee is called its "chairman." Usually

each member is on several committees. Some of these committees have clerks to take care of their papers and keep a record of their proceedings.

### 7. *Making a Law.*

The making or enacting a law is often a very intricate transaction ; and only the general outline pursued can here be given. Every member of the Legislature has a right to propose any new law or amendment to any old law he may see fit. This proposed law he must reduce to writing. It must have a "title," or a short description of its contents or object. This proposed law is usually divided into sections which are numbered. The first section must always begin with the phrase : "Be it enacted by the General Assembly of the State of Indiana." This is called the "Enacting Clause," and without it no law is valid. The proposed law when thus presented by a member is called a "Bill," and is usually given a number. When first introduced, the title of the proposed law is read, and the presiding officer refers it to an appropriate committee already appointed. Thus, if it concerns schools or education, it is referred to the Committee on Education ; and if to highways, to the Committee on Highways. In the course of time this committee reports to the House either for or against the bill, or it may recommend that it be amended or changed, and when so amended that it be passed or adopted. If the committee never reports back a bill, it is said to be "killed," for an end to its passage has been put to it. At some time after its introduction the bill must be read at length, unless dispensed with by a two-thirds vote. At any time before its final passage or adoption, any bill can usually be changed or amended if the House by a majority of those present so de-

cide. When a bill has been discussed and amended so that the majority of the members are satisfied with it, it is read again (which is called the third reading) and put on its final passage. Every member's name is called and his vote recorded. He either votes "Aye" or "No." Every bill passed must have, at least, a majority of all the elected members of that house voting upon it,—in the House of Representatives fifty-one votes, and in the Senate twenty-six. If the persons voting for it be less than this number, but a majority of all the votes actually cast, it may be called up and voted on at some subsequent day; but if a majority of the votes cast be against it, the bill has failed to pass and is said to be "dead." If the bill has passed, it is sent over to the other house and there goes through the same routine. If it be changed or amended, the change must be reported back to the first house and agreed to before it can become a law; and if it be not agreed to, the bill fails to pass or become a law; if the bill does not pass the other house, it then has failed and cannot become a law; but if it does pass, the Lieutenant-Governor and Speaker of the House attach their names to it, and it is then sent to the Governor. If he thinks it ought to become a law, he writes on it at the bottom the word "Approved," and signs his name below, affixing to his signature the date of approval. After this he sends it the Secretary of State, who marks it filed. If the Governor does not approve it within three days, excepting Sundays, the bill becomes a law without his approval. Whenever he has approved a bill he notifies both the Senate and House of Representatives of that fact. If he disapproves a bill, he states his objections to it, and returns it to the house where it was first introduced. This is called the Governor's "veto." That house then proceeds to vote upon it, and if a majority of

all its members elected vote in favor of its passage, it is said to have passed the bill over the Governor's veto. That house then sends it to the other house, and if a majority of all its members elected vote for it, it becomes a law without the Governor's approval, and it is then sent directly to the Secretary of State, who marks it filed. But if either house should not pass it by a majority vote, the bill fails to become a law. If the Legislature adjourns before the three days have expired within which the Governor has to veto a bill, he may, within five days after its adjournment, file his veto with the Secretary of State; and when the Legislature is again in session it may take up the proposed law and pass or adopt it, just the same as if the veto had been presented to it before its adjournment. No proposed law can be presented to the Governor for his signature two days next previous to the final adjournment of the General Assembly.

#### 8. *When a New Law Goes Into Force.*

A new law does not necessarily go into force or operation as soon as the Governor has approved it. It may do so, however. If the Legislature thinks the new law ought to go into force as soon as the Governor has signed it, it usually adds a clause, called the "Emergency Clause," declaring that there is an emergency existing for it going into force from the date of its passage, and providing that it shall be in force as soon as passed, by which is meant, as soon as the Governor approves it, or it has been passed over his veto. If a law does not have such a clause, it does not go into effect until it has been printed, and sent into every county of the State. There are ninety-two of these counties. The Secretary of State must cause all the laws to be printed and bound in a book. He then sends a certain number into

every county of the State, to the county clerk. On its receipt in the county, the clerk signs a certificate stating the day, hour and minute when he received the laws at his office, and sends this certificate to the Secretary of State. When the last certificate reaches the Secretary, he examines them and finds out the last county that received the laws. This is for the purpose to find out when they have gone into force or operation; for they go into force at the minute they are received in the last county. After ascertaining this date, the Governor issues a proclamation, which is published in the newspapers, declaring the exact time when the laws went into force. Thus it may happen that the laws are in force several hours or a day or two before it is known.

#### *9. Restrictions on the Legislature and Members.*

The constitution imposes certain restrictions upon the Legislature by which it is bound, some of which have been mentioned in previous sections. Thus, all laws for raising revenue for the State must originate in the House of Representatives. But one subject and matters properly connected with it can be put in one bill, law or statute. Thus, a statute providing how highways shall be constructed and repaired could not have in it provisions concerning the organization and government of schools; for these are two "subjects," and if it did, the whole law might be void. The subject of the law,—what it is about,—must be expressed in the title, or it will be void; but if there be two subjects, one expressed in the title and the other not, the latter will be void and the former valid. If both subjects be expressed in the title, the whole law would be void; for that would be a clear attempt to put two subjects in one law; while the other would only be an unsuccessful attempt to do so. The con-

stitution requires every law, or "Act," as it is called, and resolution to be plainly worded, avoiding as far as practicable, the use of legal or technical terms; but this requirement is often violated. Its violation does not avoid the law. If a new law attempt to amend or revise an old law, it must contain a distinct reference to such old law, or the amendment or revision will be void. This requires the title of the old law to be set out in the new in full. Nearly all the laws upon any subject must be of a general character and applicable to all persons and things under the same conditions or circumstances. Thus, as a rule, there cannot be a law for one county and another for another county, but each county must be governed by the same law. The public schools are a very good illustration of this rule, for they must be alike in every county in the State. It is true one township may have a high school and another not; but each township has a right to have that kind of a school if it desires it. A county is not compelled to have a bridge over a stream of water because another county may have such a bridge, even over the same stream, but the law must provide that both counties may have a bridge if they desire it. But a law is valid which provides that all counties or cities having inhabitants not less than a certain number, shall be governed by it; although the effect may be that another county or city lying alongside of it may be governed by an entirely different law. Both laws are general but applying to different circumstances. Nor can any law be passed providing that a particular person may sue the State; although a general law providing that all persons having claims against the State may sue it, is valid. So, too, the members of the Legislature are under certain disabilities or restrictions. Thus, no member of the Legislature can, during the time for which he has been elected,

hold any office, the election of which is vested in the General Assembly; nor can he be appointed to any civil office of profit which may have been created during his term of office as such a member. The object of this clause is to prevent the members of the Legislature from creating offices in order that they may reward themselves or reap the benefits of such office. This, however, does not prevent the people from electing them, before their terms as Senators or Representatives are out, to the office thus created.

#### 10. *Example of a Statute.*

The following is an example of a statute as it is enrolled and on file in the office of Secretary of State:

AN ACT [1] to fix the salaries of the Judges of the Criminal Courts of this State, and to provide for the time and manner of payment, and to repeal all laws in conflict therewith and declaring an emergency. [2]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, [3] That an annual salary of \$2,500.00 shall be allowed to each of the Judges of the Criminal Courts, to be paid quarterly out of the treasury of the county in which said court is established: *Provided, however*, that in all counties having a city with a population of 100,000, or more, the salary of said Criminal Court Judge shall be \$3,200.00 annually, to be paid quarterly out of said county treasury as aforesaid. [4].

SEC. 2. All acts and parts of acts now in force allowing any other or different compensation to said Judges be and the same are hereby repealed. [5]

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act, it is, therefore, hereby declared that the same shall take effect and be in force from and after its passage. [6]

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1 A statute is often called an "Act."

2 This is the title of the Act

3 This is the Enacting Clause.

4 All after the word "Provided" is called the "Proviso."

5 This is called the "Repealing Clause" or section.

6 This is called the "Emergency Clause" or section.

MORTIMER NYE, JUSTUS C. ADAMS,  
 President of the Senate. Speaker House of Representatives.  
 Approved March 11, 1895. CLAUDE MATTHEWS,  
 Governor.

Filed in the office of the Secretary of State of the State of Indiana this the 11th day of March, 1895.

WILLIAM D. OWEN, Secretary of State.

11. *Amending Statute.*

The following is an example of an amending statute or Act, as published in the printed session laws :

AN ACT to amend section five (5) of an act entitled, "An act concerning grand and petit juries," approved April 15, 1881.

[APPROVED MARCH 11, 1895.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section five (5) of an act entitled an act concerning petit and grand juries approved April 15, 1881, be amended to read as follows:

SECTION 5. That said box shall remain in possession of the Clerk, securely locked, and the only key thereto shall be and remain in the possession of the Jury Commissioner, of opposite politics from said Clerk, who shall be present at each and every time said box is to be opened, for any purpose within the provisions of this act.

12. *Example of a Resolution.*

The following is called a "Resolution." There are several kinds of resolutions; some passed both by the Senate and House of Representatives called "Joint Concurrent Resolutions," others by the Senate alone, called "Senate Resolutions;" and still others by the House of Representatives alone, called "House Resolutions." These resolutions need not be approved by the Governor, that being unnecessary. The example here given is a Joint Concurrent Resolution, viz:

[FILED IN THE OFFICE OF THE SECRETARY OF STATE, MARCH 11, 1895.]

WHEREAS, Pleasant A. Hackleman was the only General from Indiana, killed in battle during the Rebellion from 1861 to 1865; and,

WHEREAS, The State has made no public recognition of his service and sacrifice; therefore be it, [1]

*Resolved*, By the House of Representatives, the Senate concurring therein, that a commission be constituted, consisting of the Governor, and two members to be appointed by him, one of which is to be suggested by the family of said Hackleman, and the other a member of the Grand Army of the Republic, whose duty it shall be to procure and consider plans and estimates for a statue of the said Hackleman, to be erected in the State-House or upon the grounds surrounding the same, at Indianapolis, and report to the next General Assembly, together with recommendations concerning the same.

NOTE.—[1] This and the clause above is called the "Preamble." Statutes also often have preambles.

## II.—THE EXECUTIVE DEPARTMENT.

### CHAPTER V.

#### THE GOVERNOR.

##### 1. *Chief Executive.*

The Governor is frequently called "The Chief Executive of the State," for the reason that the executive powers of the State are vested in him. We are to understand that the executive power of a State is the power to see that the laws are enforced ; or, as it is often said, to see that the laws are executed. The constitution of the State especially enjoins upon the Governor the duty to see that the laws are faithfully executed. By this we are not to understand that he himself must go in person and enforce the law ; but if an officer whose duty it is to enforce a particular law shall fail to do it, then the Governor must take such steps as will bring about its enforcement, either by directing the officer to do it, or seeing that it is done by competent authority. He is also frequently called "His Excellency," and when addressed personally, "Your Excellency," this being a dignified way of referring to or addressing him ; but nowhere in the laws of this State is he designated as "His Excellency," this term simply having its origin in popular usage.

##### 2. *Election—Qualifications.*

The Governor is elected every four years, on the first Tuesday after the first Monday in November, the time provided for the election of the Presidential Electors who are to

select a President of the United States. This is usually called the "Presidential Election." At the time he is elected, members of the General Assembly of the State are elected for two years. But the Governor is elected for a period of four years, and his official term of office begins on the second Monday of the first January after his election. The term of the first Governor of our present constitution began on that day in January, 1853. Every four years since then a new Governor has taken the office; the present Governor having been elected in November, 1896, took his office on the second Monday of the following January. A Governor cannot be elected to succeed himself, the constitution expressly providing that he cannot serve more than four years in any period of eight years. If an individual were elected Governor and served two years, and then resigned the office or were removed, he could not be again elected at any time within the period of eight years commencing from the date of his election. But after the period of eight years has expired he may again be elected for a second four years. This has, however, never been done. No one not thirty years of age can be elected Governor; nor unless he has been five years a citizen of the United States and also a citizen of the State of Indiana during the five years next preceding the day of his election. This is to prevent the election of a foreigner who has little or no knowledge of the laws of our State, or who is not in sympathy with its institutions. Thus, a man may have been twenty years a citizen of the United States, but if he has not lived within this State for a period of five years next preceding the day of his election he cannot be elected. No member of Congress, nor a person holding any office under the United States or under this State can hold the office of Governor; but such an officer may be elected Governor, then resign his first office

and take the office of Governor when the term begins. Neither the Governor nor the Lieutenant-Governor can be elected to any other State office during the term for which he has been elected Governor or Lieutenant-Governor even though he has resigned or been removed before the day of election.

### 3. *How Elected.*

All the voters of the State cast their ballots for Governor and the State officers on the same day. The names of all the candidates for Governor are printed on a ballot or ticket, known as the official ballot. A voter goes to the voting or polling place in his precinct, and after receiving from the election officers one of these ballots, he indicates his choice for Governor by placing a blue pencil mark opposite the printed name of the candidate for whom he desires to vote, or, instead of voting for Governor alone, he indicates by the mark the party ticket he desires to vote. This ballot he folds up and hands to one of the election officers. At six o'clock in the evening the voting ceases, the ballots are then counted, and a written certificate, signed by the election officers, made of the number of votes cast. Two days after the election (on Thursday), one of these election officers takes this written certificate to the county court-house, and there all the election certificates of the county are compared and the number of votes cast for the several candidates for State offices are ascertained, and a certificate of the result made and signed by all the election officers present. The next day the Clerk of the Circuit Court, usually called the County Clerk, makes out and signs a certificate of the number of votes cast in the county for all candidates for State offices and transmits or sends it to the Secretary of State. At the same time he makes out two other certificates of the number of votes that were cast in the county for Governor

and Lieutenant-Governor, one of which he sends by mail to the Speaker of the House of Representatives of the next General Assembly, in care of the Secretary of State at Indianapolis, and the other he gives to the Senator or Representative elected from the county, to deliver to such Speaker. After the receipt of the certificates from the counties, the Secretary of State opens those designed for himself, and in the presence of the Governor, compares and estimates the numbers of votes for all the State officers, and makes out a certificate, addressed to the Governor, stating who has received the highest number of votes for such offices, and the Governor then issues and sends by mail commissions to the persons named in this certificate, except the new Governor and Lieutenant-Governor. The General Assembly meets on the Thursday immediately preceding the Monday on which the term of the newly elected Governor begins; and before the beginning of that term, the Speaker of the House of Representatives opens the certificates of the County Clerks that have been sent to him, in the presence of both that House and the Senate, jointly assembled, and declares the result. In a few States the persons elected Governor and Lieutenant-Governor must have a majority of all the votes cast in the State for these offices; and if no persons have such a majority, then the Legislature elects a Governor and Lieutenant-Governor. Such is not the case in this State. Here the persons having the highest number of votes for Governor and Lieutenant-Governor are elected. This is called a "plurality" vote, while the other is called a "majority" vote. If two or more persons have an equal and the highest number of votes for Governor, the General Assembly, as soon as the Speaker has opened the certificates, proceeds to elect one of these persons Governor. The same is true if there be a like tie in the vote for Lieutenant-Gov-

ernor. Such a thing, however, has never happened in this State.

#### 4. *Vacancy in Office.*

If the office of Governor become vacant by his removal from the office, or by his death, resignation, or inability to discharge the duties of the office, then the Lieutenant-Governor becomes the acting Governor and performs the Governor's duties. If there be no Lieutenant-Governor, or if he be unable to serve, then the President of the Senate performs the duties of the office of Governor; and if there be no such officer, the Secretary of State convenes the Senate for the purpose of electing such a President. The person thus becoming the acting Governor fills the office until the disability of the Governor or Lieutenant-Governor be removed, or a new Governor be elected. A Governor cannot, however, be elected to fill out the term of the old Governor; he can only be elected at the regular election held four years after the election at which the old Governor was elected. The person thus taking the place of the Governor has all the duties to perform and all the powers of the regularly elected Governor, and is popularly called the "Governor;" but he is only "Acting Governor," and not, in fact, Governor. The difference between Governor and Acting Governor is quite clear when we recollect that a Governor cannot be elected to succeed himself, although after the expiration of four years from the end of his term, he may be again elected. In such an instance he does not succeed himself. But an Acting Governor may be elected to succeed himself. Thus, in 1864, Oliver P. Morton and Conrad Baker were respectively elected Governor and Lieutenant-Governor. Shortly after Governor Morton, having been elected to the United States Senate, resigned the office of

Governor; whereupon Lieutenant-Governor Baker became the Acting Governor, and in 1868 was elected Governor, filling the office of Governor nearly six years—a longer period than any man ever filled it under our present constitution, except Joseph A. Wright.

### 5. *His Inauguration.*

The General Assembly is always in session when the term of the newly elected Governor begins. This affords an opportunity for what is known as the "Inauguration" of the Governor. There is no law providing for this inauguration. In fact, any notary public or justice of the peace could administer the oath of office to or "swear in" the Governor, as it is called, with as little demonstration or publicity as the most humble or lowest officer in the State is sworn into his office. He could take the oath of office at any time after he is declared elected, but could not take possession until his term begins. But this is never done. His term begins on the second Monday of the first January after he is elected, and he could, if he so desired, take possession of the office on the first minute of that day, or immediately after the expiration of midnight of the preceding day. But such is not the usage. The old Governor always continues to act until the newly elected Governor has taken the oath of office; but on the day of the inauguration he rarely does any official act, except of the most trivial character. The inauguration takes place in the presence of the two Houses of the General Assembly and in the presence of the general public. According to a resolution or agreement adopted or entered into by the Senate and House of Representatives, these two Houses meet on the morning of the inauguration separately in their respective halls or chambers; one of them then proceeds to the

hall of the other, its presiding officer leading, and it either enters the hall thus approached, or proceeds to a place agreed upon—in late years usually a corridor of the Capitol building. It is the practice to invite all the State officers to be present at these proceedings. The judges of the Supreme and Appellate Courts frequently attend in one body. The retiring Governor generally makes a short address, and then the oath of office is administered to the Governor elect, usually by the Chief Justice of the Supreme Court. There is no particular form of oath required. The administration of the oath is very simple. The newly elected officer raises his right-hand, the Chief Justice his right-hand and administers an oath similar to the following: “You do solemnly swear that you will support the Constitution of the United States, the Constitution of the State of Indiana, and will faithfully discharge the duties of the office of Governor of this State. So help you God.” To this the newly elected officer usually responds, “I do.” Occasionally, in place of the word “swear,” the word “affirm” is used. At the same time the oath of office is usually administered to the Lieutenant-Governor. Immediately upon taking this oath, in the public manner as stated, or in fact any other manner, the term of the old Governor ceases and that of the new begins. The latter at once delivers an address, always in writing, to the General Assembly. All who care to listen to this address have that privilege, although it is officially addressed to the General Assembly, and is called the Governor’s “Message.” After this address has been delivered, the two houses retire to their respective chambers, and the new Governor takes charge of the official quarters provided for him in the Capitol building. The inauguration exercises takes place about mid-day, and in the evening the Governor gives a public reception in his official parlors.

*6. Duties of the Governor.*

The duties of the Governor are many and often intricate. Because he is the Chief Executive of the State he has many social duties to perform that are not connected with the office. These are chiefly public addresses which he is called upon to make and which are not of a political character; such as the opening of a convention on education, or on science, or on agriculture, or the like. Many strangers visiting the Capital call upon him socially; and at times these become so numerous that they are a burden to him, and permit little time for attendance upon his official duties. It is made his express duty, from time to time, to give "the General Assembly information touching the condition of the State, and recommend such measures as he may judge to be expedient." This is usually termed his "message." As we have seen, the General Assembly meets on Thursday, and the newly elected Governor's term begins on the following Monday. When the General Assembly meets, it is the practice of the old Governor to send in to it an official message; but this message is followed in four days by another message from the new Governor, sometimes called his "Inaugural Address." At the beginning of a session of the General Assembly, the Governor always sends in to it a message. The Governor reads this message to the General Assembly in person. There is no law requiring how often, or when, he shall send in a message; that is left to his discretion. There is no power that can compel him to send in a message; the whole matter is entrusted to him, the law reposing in him confidence that he will do his duty and properly perform the functions of his high office. In order that he may keep informed upon the affairs of the State, and that he may properly inform the General Assembly of the public necessities, he has the power to require the

officers of the State to furnish him in writing information upon any subject relating to the duties of their respective offices. He may not, however, require a Judge of a court to furnish him information; nor can he demand of any Judge or any court an official, or even a private, opinion concerning any legal question, no more so than any private individual. By the constitution he is expressly commanded to "transact all necessary business with the officers of Government," and to "take care that the laws be faithfully executed." He receives many letters from private individuals, which he usually answers, although often on subjects not connected with the duties of his office, and which he is under no obligation to answer. He is also commander-in-chief of the military and naval forces of the State, and may call them out to enforce the laws, to suppress an insurrection, or to repel an invasion of the State.

#### *7. Pardons, Reprieves and Commutations.*

To the Governor is entrusted a very grave duty and a great power with reference to pardons, reprieves and commutations. In some States a "Board of Pardons" is created who have power to pardon criminals, grant reprieves and commutations; and in this State the General Assembly has the power to create a "Council," to be composed of State officers, without whose advice and consent the Governor could not grant a pardon in any case, unless the law gave him the sole power in that particular instance. Some officer or board of officers should always have the power to grant a pardon or reprieve, or even a commutation. Sometimes an innocent man is convicted, and when his innocence is made clear, he should be pardoned; for it is repugnant to all sense of justice to punish an innocent man, and if the State has secured his

conviction it should speedily do all it can to wipe out the stain cast upon him. A "pardon" is the forgiving of the offense for which a person has been convicted. It relates wholly to the commission of crimes. But the Governor can not grant a pardon until after the offender or criminal has been tried and convicted. He has the power to grant a pardon "for all offenses, except treason and cases of impeachment." The General Assembly may provide regulations for granting pardons, as well as for reprieves and commutations, but it has not done so. Upon conviction for treason, he has power to suspend or postpone the execution of the sentence or judgment of conviction until the case can be reported to the General Assembly at its next regular or special meeting. That body may then "either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve." An "impeachment" is a sentence or judgment of a court or of the General Assembly depriving an officer of his office for some offense or misdeed he has committed; and in such an instance the Governor cannot pardon the person removed and thus restore him to office. Pardons are of two kinds:—one, an absolute, complete or general pardon, wherein the convicted person has his sentence or punishment completely removed or set aside, and the other a conditional pardon. In an instance of a general pardon, the stain of guilt is completely removed, and the pardoned individual has the same rights under the laws of the State as if he had never been convicted of a crime. A conditional pardon may be upon the happening of some event or the performance of some duty by the person receiving it. If the person thus pardoned is to refrain from doing some act, and he does not, he forfeits his pardon, and the Governor may cause his arrest and return to prison. If the

pardon be granted upon the condition that the person receiving it perform some act, he must perform that act before the pardon takes effect. When the pardon is an absolute or unconditional one, the Governor has no further power over the person pardoned; but when it is a conditional pardon, and the condition on which it is granted is broken, the person to whom it is granted has forfeited his right to it and the Governor may cause his arrest and re-imprisonment. The pardon is always in writing, signed by the Governor and delivered to the person for whom it is intended. The person to whom it is granted may refuse to accept it; in which event it is of no force or effect. In addition to his power to grant pardons, the Governor has power to "parole" a prisoner. A parole is a release of a person from prison for a certain period of time or until the Governor shall order him back to prison; and in late years this method of dealing with criminals has been frequently employed. While out on parole, a prisoner's time is treated the same as if he were in prison; and he is not compelled to stay in prison any longer than if he had not been paroled. Thus if he has been sent to prison for one year, and three months of that time he has been out on parole, he does not stay in the prison a whole year, but only nine months of a year. The Governor, as we have seen, has power to grant a "reprieve," or "respite," as it is sometimes called. A reprieve is only granted when the punishment is the infliction of the death penalty; and then only in order that the prisoner or convicted person may take some steps to establish his innocence, or where there is a doubt of his guilt and the matter is under investigation; or where he has appealed his case to the Supreme Court and it has not been decided before the day set for carrying out the judgment of the court, or before the day for his execution. But

the Governor may, however, without any cause grant a reprieve, and for any length of time, although this is never done. A "commutation" is the changing of the punishment to another and lesser punishment; and is frequently done, where the prisoner is sentenced to death, by changing or commuting the sentence to imprisonment for life. In addition to these great powers, the Governor has the authority to "remit" a fine or forfeiture. A "fine" is a certain amount of money a court has ordered an offender to pay the State because of some offense he has committed, and is a substitute for an imprisonment. If the offender does not pay it, he must go to prison. This fine the Governor may "remit;" which is, forgive the debt due the State, and it has the same effect as a pardon. A "forfeiture" is a penalty that has been incurred by agreeing that a certain thing shall be done or, if not done, the person so agreeing will pay the State a certain sum of money. Thus, if a person be arrested on a charge of having committed a crime, he may usually give a bond to the State, with a surety or bondsman agreeing to appear in court on the day his trial is set, and if he do not, that he and his surety or bondsman will pay the amount named in the bond. If he do not so appear, his bond is forfeited, and this is called a "forfeiture" due the State. This debt the Governor may forgive or "remit." At the next meeting of the General Assembly after he has granted them, the Governor must report to it all pardons, reprieves, commutations, and all remissions of fines and forfeitures, with the amounts. This is to give publicity to his acts, and serves as a check to an undue use of the pardoning power.

#### 8. *Filling Vacancies in Offices.*

Whenever a vacancy occurs in a State office, or in the

office of Judge of any Court, the Governor must fill the office by appointment. The person thus appointed holds the office until his successor has been elected and sworn into office. This election takes place at the first general election held after the office becomes vacant. The General Assembly may fill a few offices by appointment; and if a vacancy should occur in such an office when that body is not in session, then the Governor must fill it. If a new State office be created, there is at once a vacancy; and the Governor fills the vacancy by appointing a person to the office. He cannot, however, fill a vacancy in the office of a member of the General Assembly; that can only be done at a special election called by him for the purpose of filling such vacancy.

#### *9. Issues Commissions.*

It is made the duty of the Governor to issue a commission to all the State officers, to all county officers, justices of the peace, and notaries public. He does not give the members of the General Assembly commissions, nor to the newly elected Governor or Lieutenant-Governor, nor does he give township officers commissions, unless they be justices of the peace. These commissions he can only issue when he has been officially notified that the persons receiving them have been elected to office, or when he has appointed them to fill a vacancy.

#### *10. Residence—Salary—Assistants—Resignation.*

The Governor must reside at the seat of Government; or, in other words, at the Capital; and he must there keep the records of his office. That is the place where he is entitled to vote. His salary is five thousand dollars a year, payable in installments every three months. This salary can never

be increased or diminished during his term of office. In the early years of the State he was provided with a residence or dwelling-house; but in after years this fell into decay and was torn down. Not until recently has the State shown any inclination to follow the old practice; but now six hundred dollars a year are allowed the Governor in order to provide himself with a suitable residence. The salary of the Governor is inadequate to meet the many demands upon his purse; and few Governors have saved any money while in office. The official expenses of his office are paid by the State. The State also provides pay for a private secretary for him, whom he selects, as well as a stenographer and a recording clerk. When he desires to resign his office, he sends his resignation to the Legislature, if it be in session, and if not, to the Secretary of State.

#### *11. Fugitives from Justice.*

There is one duty the Governor is required to perform that is imposed upon him by the laws and Constitution of the United States. Thus, if an individual commits a crime or offense in another State and then flee or come into this State, the Governor of that other State, after the individual has been indicted, may make a demand upon the Governor of this State, for the arrest and return of the criminal. This demand is called a "requisition" and is accompanied by a copy of the indictment or accusation, and also by the appointment of an agent to receive the person accused. The Governor of this State when such a demand is made upon him, issues a warrant for the arrest of the person thus accused. When he is arrested he is taken before a Judge of the court of the county where the arrest is made, if he request it, who examines into the matter, and if it is found that he is the

person named in the indictment, the Judge orders him delivered to the agent, who takes him to the demanding State for trial. If the Governor of this State refuse to issue his warrant, or "to honor the demand," as it is frequently termed, there is no power to compel him to do so, not even the Supreme Court of the United States, nor our own courts. When a criminal flees or goes from this State to another State, our Governor may make a like demand on the Governor of that other State for his return, and may follow him up from State to State until he is secured. If the criminal flee to a foreign country, then the Governor may request the Secretary of the United States to demand of that country his arrest and return to this State. A criminal thus fleeing to another State or country is called a "fugitive from justice."

#### *12. The Governor's Exemptions.*

Because of his high office the Governor enjoys certain privileges not enjoyed by private individuals or by any other officer of this State. According to the theory on which our government is formed, he is at the head of the administrative department of the State, and every administrative officer is subordinate to or under his authority, and they have no power over him. As we have seen, he is the chief executive officer of the State. He belongs to the administrative department of the State, and is on an equality with the highest judicial and legislative authority of the State. He cannot command or control the judicial or legislative departments of the State nor any officer belonging to them. These three great departments of the State, as we have seen, stand on an equality and on an equal footing; no one of them can control either of the other two. If the Governor refuse to perform an act which by law he should perform, the courts

cannot make him perform it; for if he were to refuse to obey the court then the court could not do as it does with a private individual or an ordinary officer who refuses to obey it,—send him to jail for contempt of court. For if it were to send him to jail to compel him to perform the act, the judicial department would not only be in control of the executive department of the State, but would deprive the State, for the time being, of the services of its Governor, and the State would then virtually be without a Chief Executive officer. If the Governor were to commit a crime, even the crime of murder, he could not be arrested nor imprisoned so long as he holds the office of Governor; for no officer has power to arrest or imprison him. If he were to resign, or were removed from office by impeachment, or his term of office expire, he could then be arrested for the offense he had committed during the time he held office; but he cannot be arrested nor imprisoned for refusing to obey an order of the court made while he holds the office of Governor. No other officer in this State enjoys this privilege, unless it be the Lieutenant-Governor when acting as Governor.

## CHAPTER VI.

### THE LIEUTENANT-GOVERNOR.

#### *1. Election—Qualifications—Term—Vacancy—Pay.*

In the chapter on the Governor several things were stated with reference to the office of Lieutenant-Governor, which are not necessary to be repeated here. He is elected at the same time as the Governor and in the same manner. A Lieutenant-Governor cannot be elected except every four years, even though a vacancy occur before the time of the intervening biennial election. If he die or resign his office, the President of the Senate performs his duties when that body is in session; and if the Governor were afterwards to die, such president would then become the Acting Governor, just as the Lieutenant-Governor becomes the Acting Governor when the Governor dies. He cannot be elected to any other office during the term for which he was elected, even though he resign before the time of the election. No member of Congress, nor any person holding any office under the United States, or under this State can fill the office of Lieutenant-Governor. A mere plurality of votes is sufficient to secure his election; and if there be a tie in the vote of the two persons receiving the highest number of votes, the General Assembly, when that result is officially determined, immediately proceeds to elect one of such persons to the office. The person elected Lieutenant-Governor must have the same qualifications as is required of the Governor; and his term of office begins and ends on the same days the term of that officer

begins and ends. He receives one thousand dollars a year as his pay, and eight dollars a day while the Senate is in session; and while acting as Governor, the pay of that officer. He is not required to reside at the capital, like the other State officers must do, except when he is serving as Acting Governor.

## 2. *Duties.*

When not presiding over the Senate, the Lieutenant-Governor has no duties to perform. By virtue of his office as Lieutenant-Governor he is President of the Senate, and presides over that body whenever it is in session, unless sickness prevents, in which event a Senator is elected President who so presides. At certain times when the Senate is in session, he has a right to join in the debate and to vote, but this he rarely does. Whenever the Senate is equally divided on a question he gives what is called the "casting vote," and thus decides the vote of that body. As presiding officer it is his duty to maintain order and decide all questions of parliamentary law presented by the proceedings of the Senate. He may call any Senator to act in his place temporarily; and in the event he does this, he may resume his position as presiding officer at any moment.

## CHAPTER VII.

### THE SECRETARY OF STATE.

#### *1. Election—Terms—Bond—Salary—Deputy—Vacancy.*

The next State officer in importance, in popular estimation, though not necessarily in fact, is the Secretary of State. He is elected every two years, and must reside at Indianapolis so long as he holds his office. Unlike the Governor, he may hold the office two terms in succession; but he may not hold it more than four years in any period of six. He is elected in the same manner as the Governor, and receives his commission from that official. He must give a bond for ten thousand dollars for the faithful performance of his duties. His salary is sixty-five hundred dollars a year, payable out of the fees he is required to collect for the State. He has a deputy whom he appoints, and who receives eighteen hundred dollars a year; and also a clerk who receives one thousand dollars for the like period. If a vacancy occur in the office of the Secretary, the Governor fills it by appointment; and the person appointed holds until the next general election. He never acts as Governor; and can exercise none of his powers or authority.

#### *2. Duties.*

The Secretary of State has various duties to perform, many of which are insignificant in importance. He is the keeper of the official records of the State; such as, the enrolled original and written copy of the State constitution; the manuscripts containing the enrolled laws and joint reso-

lutions of the Legislature; all official bonds of officers approved by the Governor, except his own (which is kept by the Recorder of Marion County), and all written contracts of the State, unless some particular law provides for their deposit elsewhere. He also makes a record of all the official acts of the Governor in books prepared for that purpose. He keeps a copy of all commissions issued by the Governor. Whenever that official signs a document in his official capacity, or as the Governor, and not as a private individual, the Secretary must also sign the document as a witness to his signature and attach the great seal of the State thereto. Every year he must make a report to the Governor; and when the General Assembly meets, this report is laid before it by the Governor.

### 3. *The State Seal.*

He also keeps the State Seal or the "Seal of the State of Indiana," as it is officially called, for the Governor; and must keep a description of it on file in his office. This seal is made of iron, and so constructed that it will make an impression on the paper on which it is used. The form now in use has been used ever since the year 1816, although the instrument with which the impression is made has been many times renewed. Unless this seal be attached to official documents issued by the Governor or Secretary, they are usually of no force or value. By the constitution the Governor is made the keeper of this seal, but it is kept in the office of the Secretary of State, and the Governor never, in fact, has possession nor makes any personal use of it.

### 4. *Other Duties.*

Any one desiring a copy of any document required by

law to be kept in the office of Secretary of State may apply to him, and on payment of his fees or charges, as fixed by law, will be entitled to it. He may then obtain any number of copies; for it is made the Secretary's duty to give them to him. When the General Assembly meets, he must lay before either house all papers, minutes and vouchers concerning his official acts or proceedings if it require it. Either house may also examine any document in his office by a committee appointed for that purpose; and, in fact, that privilege is usually given to any private individual who desires to do so. If the Governor desires it, he must furnish him in writing information upon any subject concerning the duties of the office. He is also a member of the State Board of Tax Commissioners.

#### *5. Duties Concerning Laws of the State and Public Journals.*

Whenever a law has been enacted or passed by the General Assembly, the official copy, written out on large-sized sheets of heavy writing paper, is filed in the office of the Secretary of State, and he attaches his name to it as witness to the Governor's signature; not, however, using the Seal of the State. At the end of the session of that body he binds up these various official copies into a large volume. In his office are many volumes of these written laws; and whenever there is any dispute over the accuracy of the printed copy, this written copy is resorted to and must be followed. While differences between the printed and written copies are not frequent, they have, however, occurred in the past. At the end of a session of the Legislature it is made his duty to cause to be printed one copy of the laws and joint resolutions enacted by it for every forty votes cast within the State at the last preceding election. After these are printed he sends

to each county of the State twenty-two copies for each one thousand votes cast in it at the last election ; he also gives to all the officers of the State one copy, and the remainder he keeps on hand for sale. The county clerk, who receives these copies of the laws, distributes them among the county, city, town and township officers of his county, and the remainder he is supposed to sell, though, in fact, he usually gives them away to such persons as desire, and who will take care of them. Besides printing these laws he must print sixteen hundred copies of the Journal of the Senate ; a like number of the Journal of the House, and six hundred of the Documentary Journal. These he delivers to the State Librarian for distribution. The Senate and House Journals, as has been stated, are the official records of the proceedings of the Senate and House when in session, omitting the speeches delivered by their members. The Documentary Journal consists of the official annual reports of State and other officers made to the Governor concerning the condition of their departments. All this printing is paid for by the State, and requires many thousands of dollars.

#### *6. Public Printing.*

The Governor, Secretary of State and Auditor of State are commissioners of such public printing as the State is required by law to have done, and they have charge of all such printing, except that described in the preceding section. They have nothing to do with the printing for counties. They have a clerk who is required to be an expert printer, and who receives fifteen hundred dollars a year. If any State officer requires any stationery for his office, or any necessary printing to be done for it, he applies to these commissioners, and if it is such as the law requires the State to furnish, they

direct the clerk to furnish it, and its cost is paid for by the State. Every two years the contract for this stationery and doing this printing is let out by contract to the highest bidder.

## CHAPTER VIII.

### THE AUDITOR OF STATE.

#### *1. Election—Bond—Salary—Deputy—Clerks..*

The Auditor of State is elected every two years, at the same time the Secretary of State is elected. If there be a vacancy in the office the Governor fills the vacancy by appointment. He, too, like nearly all the State officers, must reside and keep his office at Indianapolis. He must also give an official bond, in the sum of ten thousand dollars, which is approved by the Governor and filed with the Secretary of State. His salary is seventy-five hundred dollars a year. He has a deputy who receives twenty-five hundred dollars a year; and two clerks, each receiving a salary of eighteen hundred dollars per annum. He is a very important member of the State Board of Tax Commissioners. No one can serve as Auditor more than four years in any six.

#### *2. Duties.*

The office of Auditor of State is a very important one, and one full of responsibilities. He is the book-keeper for the State. While the Secretary of State records the official acts of the Governor and General Assembly, the Auditor must keep the accounts of the State, a record of the amounts of money it receives, from what source, and the amount and to whom paid out. In this way he is required to keep a record of every cent received by the State (but not by the counties) and to keep an account not only with the United States and each county of the State, but with every individual to whom

any money is paid by the State. If any claim against the State is presented for payment, he must examine and see that it is justly due the person claiming it. No money can be paid out of the State Treasury unless the Auditor issues an order, called a "warrant," directing that it be paid. If any money be due the State he may collect it; and it is his duty to do so. For this purpose he may bring suit in any court of the State. Every two years he must report to the General Assembly the receipts of, and payments made by, the State. A synopsis, or abbreviated statement, of this report is published every two years in the back of the laws published by the Secretary of State.

### *3. Other Duties.*

He has many records in his office, copies of which can be obtained on the payment of certain fees. He also has a seal. In his office are kept all the mortgages given for money loaned by the State, and many deeds for lands now, or in former times, owned by the State. All the records pertaining to certain kinds of lands once owned by the State or by the Wabash and Erie Canal Company, are kept by him in a separate department, called the "Land Department," over which a clerk has charge, called the "Land Clerk." All the records of his office can be examined by the General Assembly; and usually any one can examine these records under the supervision of a clerk of the office. Every six years he must superintend the enumeration of all the voters within the State, and publish the result. He appoints an officer called the "Bank Examiner," whose duty it is to make an examination, whenever he thinks it necessary, of all banks organized under the State laws; but not, however, of those called "National Banks," which are organized under the United States'

laws. If he finds a State bank in a failing condition, he may take charge of it and proceed to collect its monies and pay its debts. He has supervision over all insurance companies organized under the laws of the State, or of other States and counties and doing business here; and for that purpose, one part of his office is called the "Insurance Department," and the clerk in charge of it the "Insurance Clerk." His duties concerning the collection of taxes are very numerous and responsible.

## CHAPTER IX.

### THE TREASURER OF STATE.

#### *1. Election—Bond—Salary—Deputy.*

The Treasurer of State is elected every two years at the general State election. He can serve not to exceed four years in any period of six years. He must reside at Indianapolis and there keep his office. Before entering upon his office he must execute a bond, to be approved by the Governor, in the large sum of seven hundred thousand dollars, with at least twenty sureties who reside in and own land in this State. The reason for requiring such a large bond, or a bond in so large an amount, is, because he has charge of and keeps all the State's monies. If the Governor and Auditor of State come to the conclusion that his bond is not sufficient, then they may require him to give a new one. His salary is sixty-five hundred dollars a year. He can appoint a deputy, who receives two thousand dollars a year.

#### *2. Duties.*

It is made the duty of the Treasurer of State to keep all the monies paid to him in a vault provided by the State. For this purpose the State has built in the departments, set apart to the Treasury of the State in the State-House, commodious and burglar-proof vaults or safes, all equipped with the most approved kind of locks. No burglar or thief can ever hope to break them open within a day or night. These vaults are large enough to hold all the money the State can ever expect to have at any one time. There are

many sources from which the State derives money, the chief of which are the taxes and interest on the school funds; but from whatever source it may come, it must all be paid into the State Treasury. No one can, however, pay money to the Treasurer until he has gone to the Auditor of State, reported to him how much he desires to pay in, and from what source it has come, and obtained from him an order to the Treasurer to accept the money. This course is pursued to prevent the State Treasurer from receiving money and never accounting for it. No money can be paid out by the Treasurer of State to any person, except upon the order of the Auditor of State, called a "warrant," stating the amount, to whom to be paid, and for what purpose or object. Every month the Treasurer, with the assistance of the Auditor, must make out a statement of the amount of money during the past month which he has received, and the amount paid out; and publish the report in two newspapers of the city of Indianapolis. Every year, on the first of November, he must make out a similar yearly report and cause that also to be published. Every two years he reports to the General Assembly. The General Assembly may at any time, by committee, examine into the condition of the State Treasury; and the Governor may appoint a competent person, who, with the Secretary of State, may make a like examination.

### *3 Law Providing for Payments—Appropriations—Fiscal Year.*

No money can ever be paid out of the State Treasury unless there be some law directing it to be done. If the Treasurer were to pay out any money where the law did not provide for its payment he would be liable on his bond for the amount thus paid out. Every two years the General Assembly pass a law called the "General Appropriation

Law," authorizing the payment of certain sums of money for each year. This law provides for the payment of all the State officers and support of the public institutions of the State, and for what purposes the money is to be used. No more than the amounts named in this law can be paid out, however much more may be needed. The year here referred to does not begin on the first day of January, but on the first day of November of every calendar year, and it is called the State's "Fiscal Year." It ends on the thirty-first day of October. All the State's accounts, and the appropriations of money provided for one of these years, if not used during that year, cannot be used the next. There are some instances where the law provides a continuous appropriation : in which case no biennial appropriation law is necessary.

## CHAPTER X.

### THE ATTORNEY-GENERAL.

#### *1. Election—Bond—Salary—Deputies.*

The constitution does not create the office of Attorney-General as it does those already described. There was no such office in the State until 1855, although Indiana Territory, before it became a State, had such an officer. The Attorney-General is elected every two years, and can hold as many successive terms as he may be elected. In this respect he is unlike the other State officers, who usually can hold office only four years in any period of six. He gives a bond for twenty-five thousand dollars. His salary is seven thousand five hundred dollars a year. He has two deputies, one of whom receives eighteen hundred dollars a year, and the other, called the "traveling deputy," twenty-four hundred dollars and his actual expenses when traveling on business of the office. The Attorney-General must reside at Indianapolis and keep his office in the State-House.

#### *2. Duties.*

The Attorney-General is the law officer of the State. The office has always been held by a lawyer. If the Governor request it, he must give him an opinion in writing on any question or point of law in which the interest of the State may be involved. So he must give a like opinion to any State officer on request, on any question or part of a law concerning such officer's duties. So if the State Senate or House

of Representatives request an opinion on the validity of any existing or proposed law, he must also give it an opinion concerning its validity. He is not required to give any one else an opinion, whether he be an officer or not; although in times past many such opinions have been given as favors, but not as a duty. Besides this he has many other duties to perform. If the State of Indiana has a suit to bring, he must bring and attend to it unless the law provides that some other officer must do it in that particular instance. So, under the same circumstances, he must defend all suits brought against the State. When a criminal case is taken to the Supreme or Appellate Court, he must attend to it in that court. So, if a State officer be sued because of some duty concerning his office, the Attorney-General must defend him. Another duty this officer must perform is to collect all monies due the State which have not been paid over at the time the law requires that to be done. There are various funds that almost every county, and some city and town officers, is required to pay to the State or county treasurer at certain times of the year; and if they do not do it, then the Attorney-General must collect it and pay it into the State and county treasury. It is the duty of the traveling deputy to hunt up these various sums not paid over. The Attorney-General thus acts as a spur or prod to negligent or dishonest officers, and saves the State many thousands of dollars a year. Every two years he makes a report to the Governor.

## CHAPTER XI.

### STATE BOARD OF HEALTH.

#### *1. Its Purpose and Powers.*

The State Board of Health consists of five members—four of whom are appointed by the Governor, Secretary and Auditor of State; the fifth member is its own secretary, elected by the other four members. It has the general supervision of the health and life of the citizens of the State. It is its duty to study statistics concerning the health, death and sickness of the people of the State; investigate the causes of disease, especially epidemics; the causes of mortality, and the effects of places, employments, conditions and circumstances on the health of the people. It has the power to regulate the location of plumbing for houses, drainage, water supply, the heating and ventilating of public buildings, and to compel compliance with its orders in respect thereto. It also supervises the registration of births, deaths and marriages, furnishing certain forms to be used for that purpose. All city, town and county boards of health are subject to its control, rules and regulations. Its secretary must be a physician; he is known as the "Health Officer of the State." The power of the Board during epidemics or the prevailing of contagious diseases in a community is very great, and is exercised in a very beneficial manner, in order to prevent their spreading to other communities.

## CHAPTER XII.

### STATE GEOLOGIST.

#### *1. Election—Salary—Museum—Flags—Duties.*

The State Geologist is elected every four years, at the general State election. The law requires him to be "skilled in geology and natural sciences," but in this respect, it has been frequently violated. He receives twenty-five hundred dollars a year. On the third floor of the State-House, in the south end, is a museum over which this officer has charge as "curator." It contains some geological specimens, some Indian relics, and also some relics of the Mexican War and the War of the Rebellion. It also contains the tattered flags and banners carried by Indiana regiments in the late war, and a few flags captured from the enemy on the field of battle. Besides caring for this museum, it is made the duty of the State Geologist to continue a geological survey of the State, long since begun, by counties or districts, giving special attention to the discovery of minerals, stones and other natural substances useful in agricultural, manufacture or the mechanical arts. For this purpose, he is given ten thousand dollars a year, out of which he must pay his assistants. Every year he must make a report to the Governor giving the result of his labors. These reports have been published for many years, and often contain information of great value.

## CHAPTER XIII.

### BUREAU OF STATISTICS.

#### *1. Appointment of Chief—Duties—Salary.*

The Bureau of Statistics was not created until 1879. The officer at the head of this department is called its "Chief," and frequently the "State Statistician." He is elected every four years and receives a salary of two thousand six hundred dollars a year. It is the duty of the Bureau to collect, and every year publish, statistical information on agriculture, manufacturing, mining, commerce, education, labor, social and sanitary conditions, vital statistics, marriages, deaths, and on the permanent prosperity of the industry of the State. This is a very formidable duty, and in performing it, the Chief has the power to call on all county, township, city and town officers to aid him. There is scarcely any limit to the work he is required to perform. It was not expected that he would perform all these duties every year; and so one year is often devoted to one subject, and then the next year another subject is taken up. Several volumes of these statistics have been published, some of which are of great value. The Chief has a deputy at one thousand dollars a year; and five thousand dollars is given him every year with which to carry on the work of the Bureau. The Bureau is located in the State-House on the first floor.

## CHAPTER XIV.

### BOARD OF STATE CHARITIES.

#### *1. Its Purpose and Powers.*

The Board of State Charities is composed of six members; three for each of the two largest political parties. They receive no compensation, but the State pays their necessary expenses. The Board has a secretary; and once a year it makes a full report of all its doings during the preceding year, showing the actual condition of all the State institutions under its control, with such suggestions as it deems necessary and pertinent. The Board has a room in the State-House. Its work is very important and beneficial. It has the power to investigate the whole system of public charities and correctional institutions of the State, and examine into their condition and management. It may make a like examination into the prisons, jails, infirmaries, public hospitals and asylums. All officers in these institutions are required to furnish the Board on its request, such information and statistics as it may require. All plans for jails and infirmaries in the State must be submitted to it for approval before such jails or infirmaries can be built. The Board may investigate all these institutions, whether they belong to the State or to a county; and compel persons to testify under oath concerning their management.

## CHAPTER XV.

### COMMISSIONER OF FISHERIES.

#### *1. Appointment—Salary—Duty.*

Every two years the Governor appoints a Commissioner of Fisheries, who receives a salary of three hundred dollars a year. It is made his duty to examine the lakes, rivers and streams of the State to ascertain if they can be made more productive in the supply of fish, and ascertain what steps ought to be taken to attain this object, either in propagating or raising fish or in preserving those already there. He must also enforce all laws for the protection and preservation of fish; and report the result of his investigations and labors to the next General Assembly. He is given two thousand dollars a year for his expenses.

## CHAPTER XVI.

### STATE LIBRARIAN.

#### *1. Election—Bond—Salary—Assistants.*

The State Librarian is the officer who has charge of the State's general library. He is elected every two years by the State Board of Education, which has control of the State's library under the name of the "State Library Board." He is required to give a bond in the sum of two thousand dollars. His salary is fifteen hundred dollars a year; his first assistant receives eleven hundred and the second nine hundred dollars a year.

#### *2. The State Library—Librarian's Duties.*

The State's general library consists of several thousand books situated on the second floor at the south end of the State-House. Many of these books are valuable, but many others are not. Besides the books, there is in the library a large oil painting of every Governor both of Indiana Territory and of the State, painted at the expense of the State, by eminent artists. The library is kept open from nine o'clock in the forenoon to four in the afternoon, except on Sundays and holidays. No book can be taken from the room, except temporarily by some of the State officers, and then, not out of the State-House. Any one, however, may go to the library and with the permission of the librarian, use the books, such as he desires being delivered to him at a table for his use. One thousand dollars a year is provided

for the purchase of new books. Such books as the State publishes it exchanges with other States for books they publish, and in this way many books come to the library. The library also receives all the publications of the United States. To all these things the Librarian attends. Besides, he must collect all the papers and documents, except the laws, of each session of the Legislature and preserve them for future use. There is another library on the same floor of the State-House, at its north end, consisting only of law books, called the "Supreme Court Library," over which the Librarian of the general library has no control. It is under the control of the Supreme Court.

## CHAPTER XVII.

### THE STATE BENEVOLENT INSTITUTIONS.

#### *1. The Different Institutions.*

In the early history of the State there was no provision made for the blind, the deaf and dumb, the insane, nor for feeble-minded children. It is only within the last fifty years that provisions for these unfortunate classes have been made by the State. The constitution declares that the Legislature must make provisions for the deaf and dumb, for the blind and for the insane ; and this it has done. These institutions, and also the reformatory institutions, are supported by a tax of five cents on each one hundred dollars of property within the State, levied each year.

#### *2. Hospitals for the Insane.*

There are four hospitals for the insane : one near Logansport, called the "Northern," another near Indianapolis, called the "Central," the third near Richmond, called the "Eastern," and the fourth near Evansville, called the "Southern." These hospitals contain hundreds of insane patients. The oldest and largest is that situated near Indianapolis, consisting of two large buildings, one for males and the other for females. For each hospital there is a board of three trustees, who serve without pay, appointed by the Governor. Not more than two members of each board can belong to the same political party. This is to render the management of these hospitals as nearly non-partisan as possible. The Governor may remove any member of a board at any

time he sees fit ; but that is not done unless he thinks he has good cause for so doing. These trustees each serve three years, but their terms do not all expire at the same time. Each board of trustees appoints a superintendent for the hospital over which it has charge, who has direct charge thereof. It also appoints many officers and subordinates who assist in taking care of the patients. These officers and subordinates live in or near the hospital and are fed and housed by the State. Before a person can be sent to a hospital for the insane some one must make oath before a Justice of the Peace that such person is insane. The person thus said to be insane is then, on a day named by the Justice, brought before him and another Justice, who examine witnesses concerning the insanity of the person. If they are convinced that he is insane they sign a statement to that effect and file it with the County Clerk. The clerk then issues an order or warrant to the sheriff of the county to take the insane person to one of the hospitals for the insane and deliver him to the superintendent. The patient is there kept until cured ; and those not cured are usually kept there until their death. Persons, however, who are not dangerous are usually not sent to the hospital. If persons be sent who are pronounced incurable, they may be returned to the counties that sent them.

### *3. Institute for the Blind.*

There is but one Institute for the Blind, which was established in 1847. It is situated in the heart of the city of Indianapolis, in beautiful grounds. It is also governed by three trustees. Like the trustees of the hospital for the insane, they are appointed in the same way. A superintendent has charge of the institute; and under him are a number

of subordinates, many of whom live in the building. The blind admitted to this institute are persons under twenty-one years of age. While it is sometimes called a "hospital," it is in fact nothing more than a school to teach the blind. Many of them become very good musicians; and all of them are taught to read by the use of their fingers. Notwithstanding their blindness, they are capable of performing labor, or work, and are taught trades not requiring much skill. No charge is made for their tuition.

#### *4. Institute for Deaf and Dumb.*

There is also only one Institute for the Deaf and Dumb, and that is situated at Indianapolis in a beautiful grove of native trees. It is also governed by a board of three trustees, like the hospitals for the insane; and it has a superintendent and subordinate officers and servants. All the inmates of this institute are minors, or less than twenty-one years of age. They are taught the same studies taught in the common schools, without charge; besides each one is taught a trade, how to speak orally, and how to communicate with others by the use of the fingers.

#### *5. Indiana School for Feeble-Minded Youths.*

Near the city of Fort Wayne is situated a school for youths who are feeble-minded, whether they were made so by a disease or were born so. This school is supported by the State, and so are nearly all the pupils in it. There are admitted, however, private pupils, whose tuition and expenses are paid by their parents or guardians when they can do so. It is governed by a board of three trustees, appointed by the Governor, not more than two of whom can belong to

the same political party. It also has a superintendent, a principal, a matron and a number of teachers. No one over the age of eighteen years can be admitted, unless he is admitted as a private pupil and his expenses paid to the State.

*6. Soldiers' and Sailors' Orphans' Home.*

Near Knightstown, in Rush county, is situated the Soldiers' and Sailors' Orphans' Home—a home, as its name indicates, for the orphans of soldiers and sailors who have served the United States in the army and navy. It, too, is governed by a board of three trustees appointed by the Governor. It has a superintendent and steward who must be honorably discharged soldiers of the Union in the War of the Rebellion. Children, both boys and girls, residing in this State under the age of sixteen, who are destitute of the means of support and education, and whose fathers, now dead, were soldiers or sailors in the late Civil War, may be admitted to the Home under the rules of the board of trustees. If the fathers of such children be living, but are unable to support them, their children may also be admitted. If an inmate of the Home be unable to support himself, by reason of disease or the like, he can stay in the Home until he is eighteen years of age; otherwise he is discharged on arriving at the age of sixteen. A school is taught in this Home practically like our schools in towns and cities, having a primary, an intermediate and a high-school department. Shops are also maintained in which all the pupils are taught some trade, art or occupation and the use of tools. The pupils are required to assist in keeping the grounds and farm connected with the school in order. They are not charged anything for food, clothing or tuition.

*7. Soldiers' and Sailors' Home.*

The Indiana State Soldiers' Home is located near the city of Lafayette, on a large tract of land, the gift to the State by the Grand Army of the Republic for the State of Indiana. A board of five trustees, appointed by the Governor, has charge of this Home. This board appoints a "Commandant" for the Home, and also an "Adjutant." These officers reside at the Home and are supported by the State. The Commandant has direct charge of the Home, and controls all its officers and employees. All honorably discharged soldiers and sailors, who have served the United States in any of its wars, and who have been residents and citizens of the State for one year immediately preceding their application for admission, and who may be disabled or destitute, and their wives, may be admitted to the benefits of the Home. Widows over forty-five years of age, who have been wives of soldiers or sailors likewise may be admitted. Preference, however, is given to those who have served in Indiana military organizations. Widows admitted, who receive a pension of over eight dollars a month may be required to pay the Home all in excess of that amount, and it may be used to support the Home. Any county of the State may build a cottage on the ground for the use of the inmates of the Home, and several counties have already done so.

## CHAPTER XVIII.

### COUNTIES.

#### *1. Number.*

The State is divided into ninety-two divisions called "Counties." The number of counties have varied from time to time. In the early history of the State there were not so many as now, but as population became thicker, more counties were created. The oldest county is Knox, of which Vincennes is the county-seat, and the youngest Newton, having been taken off the western side of Jasper in 1859. The boundaries of each county is designated by law. If a stream of water is on the boundary, the middle of the stream is the boundary line. So where the Wabash or Miami river forms a boundary, between this State and Illinois or Ohio, the county or state line is the middle of the river. Where a county borders on the Ohio river the line is at low water on the Indiana side of the river.

#### *2. Change of Boundaries—New Counties.*

Sometimes the people of a particular locality desire to be annexed to or put into an adjoining county; and an election, when such is the case, is ordered by the Board of County Commissioners for that purpose. If a majority favor the change it is made. But there is a limit to these changes. The constitution provides that no county shall be so changed as to reduce the size below four hundred square miles. When the constitution was adopted in 1851, some of the counties

then formed did not have four hundred square miles, and it was declared in that instrument that such counties should never be reduced in size. So if the people in a territory situated in two or more counties, having an area of at least two hundred square miles, desire to form a new county, they may ask that an election be held to determine the question; and if a majority of the votes cast in that territory are in favor of the proposed new county, it is established. This new county may have less than four hundred square miles, but not less than two hundred.

### 3. *County-Seat.*

The "County-Seat" is the capital of the county. It is the place where the county courts are held and where all the county officers are required to keep their offices. There is only one instance where a court for a county is not held at the county-seat; and that is the Superior Court held at Hammond in LaPorte county. The county-seat is Valparaiso; but as Hammond is a large and thrifty town, the Legislature provided that the Superior Court for the county should be held at that place. Valparaiso has, of course, the Circuit Court. County-seats can be, and have often been, changed from one place to another, if the voters at an election held for that purpose so decide. The proposition to change the county-seat often leads to scenes of great strife and contention; for a town that has it does not care to lose it, and the people of the place and those near it will make great efforts to retain it. But as it is considered a great prize for a town to win, those desiring the change are apt to make as great an effort to secure the change as the others to prevent it. Some of the most hotly contested elections in the State have been over the proposed change of county-seats.

*5. Board of County Commissioners.*

In every county is a board called the "Board of County Commissioners," consisting of three commissioners, who each serve three years. The county is divided into three districts, and one commissioner is elected from each district, although the entire county vote for his election. Not more than two are elected at any one election; so that the terms of their offices do not always begin at the same time. This is a very important board, for it has control of all financial and other affairs of the county. They are the agents of the county to look after its welfare and obtain or direct all its business. The board holds one session at the court-house on the first Monday in each of the months of March, June, September and December. In counties having a population of more than fifty thousand inhabitants, they hold sessions more frequently, at least once a month, and sometimes two. These are the regular sessions, and they vary in length according to the population of each county. Every Board may hold special sessions upon the call of the County Auditor, and they often do so, if the business of the county demands it. There is no limit to the length of these special sessions. For every day in session the commissioners each receive three dollars and fifty cents; except in counties having over fifty-five thousand inhabitants, where they are paid salaries of so much a year. When in session, the Board constitutes a court for the transaction of business. If any one has a claim against the county for money it owes him, he must present it to the Board for allowance; and if the commissioners refuse to allow it, he may then appeal to the Circuit Court and there try the claim again. But one person cannot sue another before them; other courts are provided for that purpose. Records of their proceedings are kept, which are

written out at length in large books prepared for that purpose. These books are kept by the County Auditor, whose duty it is to attend the sessions of the Board as its clerk. So it is the duty of the County Sheriff to attend the Board when in session, to execute its orders.

#### 6. *The County Auditor.*

The County Auditor is elected every four years; and he cannot serve more than eight years in any twelve. He gives a bond in the sum of ten thousand dollars for the faithful performance of his duties. He must keep his office in the place provided by the county, and keep it open at all times during business hours. He is the county's book-keeper. He is, as has been stated in the previous section, the clerk of the Board of Commissioners. He examines all accounts against the county. No claim can be paid until he issues a warrant or order for its payment to the person holding it. To secure the money on this warrant, it must be presented to the County Treasurer, and he will pay it if there be money in the treasury applicable to that purpose. He must keep an account with the County Treasurer, just like the State Auditor does with the State Treasurer. He may appoint deputies or assistants and administer oaths. In many things his office is the most important in the county. He is paid a salary which varies in amount in the various counties. If he die or resign, the Board of County Commissioners appoint his successor and the Governor gives him a commission. The County Auditor keeps the seal of the county.

#### 7. *Clerk of the Circuit Court.*

The Clerk of the Circuit Court is often called the "County Clerk." He is elected every four years; and cannot serve

more than eight years in any twelve. He must give a bond for the faithful performance of his duties in an amount fixed by the County Commissioners. He must keep his office in the place provided for it; and keep it open every day of the year, except Sundays and the Fourth of July, from 9 A. M. to 4 P. M. He may appoint deputies or assistants and administer oaths. It is his duty to attend the Circuit and Superior Court of his County and keep a record of their proceedings. He is paid a salary which varies in amount in the different counties. He keeps the seal of the court of his county, and attaches it to all official papers he may issue. When in court, he usually administers all oaths, or swears all persons required to take an oath.

#### *8. County Treasurer.*

The County Treasurer is elected every two years; and he cannot serve more than four years in any six. He is required to give a very heavy bond, for he is the keeper of the county's monies, receiving all its funds. Whenever he receives any money, he must give a receipt for it to the person paying it to him. He must keep his office at the place provided for it, usually in the court-house; and attend there in person or by deputy during business hours. He can pay out no money until the County Auditor gives an order or warrant on him to the person entitled to it. These are often called "County Orders." If he be sued on his bond for a failure to account for any of the county's funds, the county commissioners may remove him from office. The chief duty of the County Treasurer is to collect all taxes assessed in the county, unless it be those assessed by a city or town. A certain portion of these taxes belong to the State, and these he must pay to the State Treasurer twice a year. He may compel tax-payers

to pay their taxes by selling their property. He receives a salary which varies in amount in the different counties.

*9. County Recorder.*

The County Recorder is elected every four years; and he cannot serve more than eight years in any twelve. He receives a salary varying in amount in the different counties. It is his duty to record all deeds, loans and mortgages of land within his county, in large books provided for that purpose, when they have been properly executed or made. To record a deed or other instrument of writing means to copy it out at full length, word for word, in a book furnished by the county. All these books are numbered, and then the instruments recorded in them are indexed in separate books. The deeds have one index and the mortgages another. The index is arranged in alphabetical order. It shows the man's name who made the deed, called the "grantor;" and the man's name to whom it was made, called the "grantee." This index also shows the date the deed was made, when it was left in the Recorder's office for record, how much was paid for the land, and the book and page where it can be found. The same is true of mortgages. The man who makes the mortgage, is called the "mortgagor," and the man to whom it is made is called the "mortgagee." The man who makes a lease, which is a written agreement to rent a farm, tract of land or a house, is called the "lessor;" and the man to whom it is made is called the "lessee" (sometimes the "rentor"). The object attained in recording these deeds, mortgages and leases is, that any person desiring to buy land in the county, or to take a mortgage or a lease of it, can go to the Recorder's office and see just who owns it, or if there is any mortgage on, or lease of it. In this way a buyer of land

is protected; for otherwise he might buy it from a man who claimed to own it when he, in fact, did not own it, and thus lose his money. So, too, if he were going to take a mortgage from a person on a piece of land, he wants to know if any person has a prior mortgage on it; for the first mortgage is always the first lien and must be paid before the second or third one can be. If he goes to the Recorder's office and finds that there is no mortgage on the land, then he knows his mortgage will be first. If a person has been so foolish as to take a deed or mortgage and not put it on record in the Recorder's office, he runs the risk of either losing his land or having some other mortgage put ahead of his; for the general rule is that a deed or mortgage not recorded within forty-five days from the day it was made or executed, will be subject to a deed or mortgage taken after that date by a person who did not know of the first deed or mortgage. In addition to recording deeds, mortgages and leases, the Recorder records what are called "Mechanics' Liens." If a person works on a house that is being built or helps repair it; or if he furnishes any material—such as lumber, stone, glass, nails, or anything—to build or repair the house, he may have a lien on the house for the value of the work done or material furnished, which is very much like a mortgage. To acquire this lien he makes out a statement of the amount due, what it is for, and has this recorded in the Recorder's office. It is then a lien on the house and the land on which it stands; and the Circuit or Superior court may order the house and land sold to pay off the amount of the lien.

#### *10. The County Sheriff.*

The County Sheriff is elected every two years; and cannot serve more than four years in any six. His duties are

quite numerous. He must keep the peace in his county, suppress all riots, arrest all persons whom he sees commit any crime or offense, and keep them until the court orders him to release them; he must attend the Circuit and Superior Courts of his county, execute all their orders and keep order in the court-room. He has charge of the county jail and the prisoners in it. When a prisoner is sent to a State prison by the court, he must take and deliver him to the prison officials. He must also, when ordered, take insane persons to the hospital for the insane. Often the court issues him an order to go and collect a sum of money from a person who owes it. This is called an "execution." If the person who owes the debt will not pay it, he must then take his property, if he can find any within the county, and sell enough of it to pay off the debt; or, to "satisfy the execution," as it is called. He often has several deputies, frequently called "bailiffs." He receives a salary which varies in amount in the different counties. If he knows that a serious crime has been committed, such as a murder or a theft or robbery, and has good reason to suspect a particular person, he may arrest such person even though he did not see him commit the crime. If the court issues to him an order or warrant for the arrest of a particular person, he must arrest him at once, if he can find him in the county.

#### *11. The County Coroner.*

The County Coroner is elected every two years; and he cannot serve more than four years in any six. When the sheriff of the county cannot act because he is interested, the coroner takes his place; and if the sheriff is to be arrested the coroner arrests him. His chief duty, however, is to hold a trial or inquest over the dead body of any person supposed

to have come to his death by violence or accident within the county. As soon as satisfied of the death he must at once go and see the body. He may then, or at any time after that, require persons to come before him and tell him under oath what they know about the person's death, which is the subject of the inquiry or inquest. Their statements he must reduce to writing. If he finds that any person has criminally caused the death of the dead person, he must issue a warrant or order for his arrest, and cause him to be put in jail to await the action of the court. A coroner receives no salary except in Marion county. They are paid by fees allowed on each inquest held by them.

*12. The County Surveyor.*

The County Surveyor is elected every two years. He cannot hold office more than four years in any six. He receives no salary, his only compensation being fees. His chief duty is to survey lands by running division lines and locating corners. Within a city, however, he cannot make an official survey; that must be done by the city surveyor. If a land owner desires to have his lands surveyed and a public record made of it, he must notify all land owners that will be effected by the survey. The County Surveyor then proceeds to make the survey by running the lines dividing these persons' lands from other lands and putting down a stone at the corner with letters and figures cut upon it. These letters and figures usually designate what corner the stone marks. The surveyor makes a record of the survey in books kept in his office for that purpose. Those whose lands are surveyed must pay him his fees or charges. He can appoint a deputy. He has a seal. When making a survey he may require all assisting him to take an oath to faithfully and honestly perform their work.

*13. Salaries of County Officers.*

The County Auditor, Clerk, Treasurer, Recorder and Sheriff are paid salaries that vary in amount in each county. They are required to charge persons certain amounts called "fees," for services rendered them in the transaction of official business; and these fees they must pay to the County Treasurer. Every three months one-fourth of their annual salaries are allowed them and paid out of the fees each has collected; but if it so happens that during these three months the officer has not collected enough fees to pay his quarterly salary then he receives no more salary for that quarter than the amount he has collected. Previous to 1891 these officers received all the fees they collected, but no salaries. This was a great inducement to dishonest officials to over-charge or charge illegal fees, in order to increase their compensation as much as possible. This conduct became so scandalous, or bad, that the Legislature determined to put these five officers on salaries, and take away from them the incentive to charge illegal fees or make over-charges. All other county officers, however, receive no salaries, and are still paid by fees.

*14. Fees.*

Fees are charges by an officer for something that he has done, to be paid by the person for whom the service is performed. The amount of these fees is fixed by the law, specially stating how much may be charged in each particular instance. No fee can be charged unless the law permits it, and usually there is a schedule of fees for each officer.

*15. Deputies.*

All the county officers, and in fact most all the State officers (except the Governor), may appoint assistants, called

“deputies.” These deputies have all the powers of their chiefs or principals, and may perform all acts their chiefs may perform. The amount of their compensation is generally fixed by contracts with the principals, except in the case of deputies of State officers, where the amount is fixed by law.

*16. Notary Public.*

The office of Notary Public is an ancient one. In former times it was an office of much greater dignity than at the present time. It is an office to be found in many countries, being in France quite an honorable one. In this State it is one of the few offices that a woman may hold. It is not a county office, although it is often so regarded by many. Any one desiring to become a Notary Public must procure from the Circuit Judge of the county a certificate that he is a person of moral character and qualified to act as a Notary Public. This certificate he sends, with a dollar, to the Secretary of State, who sends him a commission signed by the Governor. He must then procure a seal that will make an impression in paper, and give an official bond. He can perform official acts at any place within the State. He is paid by fees. His chief powers are to administer oaths and take acknowledgments of the execution of deeds and mortgages. An acknowledgment of the execution of a deed is when the person who signs it goes before the Notary Public and says or acknowledges that he has signed it; and then the Notary Public attaches a written certificate to it, certifying what has been done, which certificate he dates and signs, and then attaches his seal to his signature.

*17. Number of Offices One Person May Hold.*

No person, at one time, can hold more than one office

in which he is paid a salary or fees for his services. An office where a salary or fees are paid, is called a "lucrative office." If a person holding one lucrative office accepts another lucrative office, he vacates or thereby abandons the first office, even though he does not intend to do so. This is to prevent one man holding several offices, so that he will not attend to the business of all of them well. Formerly that was frequently done. But a person may hold a lucrative office and at the same time be an officer in the militia, if he receives no salary as such military officer. Nor can any person hold a lucrative office under the United States and another under this State at the same time, unless the former be the office of postmaster, where his compensation does not exceed ninety dollars a year. So, any officer may be at the same time city councilman; for he receives no compensation as councilman, unless the city sees fit to pay him, and, for that reason, it cannot be said there is any salary or fees attached by law to the office.

*18. Disqualification for Office.*

An insane person cannot hold an office. Nor can a person under twenty-one years of age. A person under twenty-one years of age is in law called a "minor" or an "infant," although he may have reached the apparent age of a man. Nor can a person hold an office during the term for which he may have been elected, who shall have given or offered to give a bribe, threat or reward to secure his election. This includes, of course, buying votes at his election. Nor can a person hold an office who has given or accepted a challenge to fight a duel, or who has knowingly carried to another person such a challenge, or who has agreed to go out of the State to fight a duel. If any person has been the collector or holder of public

monies and has not accounted for and paid them over, according to law, he cannot accept another office of profit or trust, even though the term of the first office be expired, until he has accounted for and paid over all such monies for which he has not accounted. Nor can any one hold an office for a county unless he lives in it, and if after his election he moves out of the county, he vacates or abandons the office. So a township officer must live in his township, and a town or city officer in his own town or city. So if a State officer moves out of the State he abandons his office.

*19. What Offices a Woman May Hold.*

There are not many offices which a woman, married or single, may hold. She may hold any office, however, not requiring an election to fill it, when the Governor or General Assembly fills it by appointment. This includes the office of Notary Public, which many women hold; for there is no election ever held to fill it. The office of State Librarian has been held by women, but a woman can no longer hold that office. So, women can, and sometimes do, hold school offices, although this does not permit them to become township trustees. A woman, however, not twenty-one years old cannot hold any office.

## CHAPTER XIX.

### THE TOWNSHIP.

#### *1. County Divided into Townships.*

Each county in the State is divided into townships ; and each township has a trustee called the "Township Trustee." The object in dividing up a county into these districts is, that the local affairs of the people may be better controlled and managed. But there are several kinds of townships, and these must be carefully distinguished. When the United States government purchased the lands in the Northwest Territory from the Indians, and before it sold any of them, it surveyed them into blocks or squares, each square being six miles long and the same in width. A law enacted by Congress provided for this survey and these squares are known as "Congressional Townships." The United States again divided this township into thirty-six small squares, each a mile long and a mile wide ; this small square is called a "section." This was for the purpose of easily describing the land it sold. But when a county was formed under our State laws, it was provided that the Board of County Commissioners must divide the county up into divisions for local affairs, and that these divisions should also be called "Townships." Frequently these townships have the same boundaries as the Congressional Townships ; but often a Congressional Township lies in two or even three counties, and then the township formed by the Board of County Commissioners cannot have the same boundaries ; for the Board has no power to form a township in another county, nor take any part of it for a township.

In surveying these Congressional Townships, no attention was paid to rivers; and if the other townships were always the same in territorial limits as they, it would be difficult for the inhabitants of the township to attend to its public business. Thus, from a necessity on the one hand, and a matter of convenience on the other, it was found better not always to follow the limits of a Congressional Township when forming a township for local affairs; so that a township formed by the Board of County Commissioners may have parts of several Congressional Townships within its limits, or even only a part of such a township. Every township thus formed by the Board of County Commissioners is also a township for school purposes, called a "School Township," while the former is sometimes called a "Civil Township." The boundaries of the school township and the civil township are always the same, and if the boundaries of the latter be changed, the former's boundaries follow them. They have the same trustee. The school township owns all the school-houses and provides for all the township schools. The Board of County Commissioners can change the boundaries of a township whenever it sees fit; but this is seldom done; and never unless there is some good reason for it. The Board keeps a description of the boundaries of each township of the county, entered at length in its official record. The Board also names the township. There are 1,016 townships in the State. Union township in Montgomery county is the largest one in area; and Center township in Marion county, has the most inhabitants.

## *2. The Township Trustee—Duties.*

Formerly each township had three trustees, but for forty years they have had only one. He is elected every four years,

and cannot be re-elected until four years have elapsed. If a township trustee die, resign or be removed from his office, the Board of County Commissioners or County Auditor appoints a person to serve as trustee until the next general election. The trustee must give a bond in a sum double the amount of public money that may come into his hands at any time during his term of office. He must keep a true record of his official proceedings in a book provided for that purpose. He receives all the monies belonging to his township, and must pay them out according to law. He appoints all the road supervisors of the township. He has the care and management of all property belonging to the township. He is overseer of the poor of the township, and inspector of elections. With the consent of the Board of County Commissioners at its session in June of each year, he levies a tax on the property of his township, for road, township and other lawful purposes. He also levies a tax for school purposes. He must keep an account of all monies he receives and pays out, and in March of each year make a full settlement with the County Commissioners. Any inhabitant of the township has the right to examine his books. He receives two dollars a day while employed in township business, except where there are more than twenty-five thousand inhabitants in the township, when he receives a salary of not less than one thousand dollars.

## CHAPTER XX.

### TOWNS.

#### *1. Incorporation.*

When people live close together they are apt to need many regulations for their government that they would not need if they lived far apart. So the Legislature has provided many laws for such communities. They are not, however, controlled by such laws until they are "incorporated." Whenever the people of a district think they would like to become a town under the law—or become incorporated—they make a survey of the district they desire to be within the proposed town and take a census of its inhabitants. They then apply to the Board of County Commissioners to order an election to determine whether the district shall be incorporated. The Board orders an election on a certain day, and those who favor the incorporation vote "yes," and those who do not, vote "no." If a majority are in favor of it the Board of Commissioners makes an order at its next session declaring that the district is a town, and this is what is meant by the word "incorporation" of a town. A town thus incorporated can sue or be sued, just like a person, and it is called a "municipal corporation." This is the name also applied to a city. If one-third of the legal voters ask it the Board of Town Trustees may order an election to determine whether the town will dissolve its incorporation; and if a majority so decide, the town becomes a part of the township from which it was taken.

## 2. *Officers.*

Every town has certain trustees called a "Board of Town Trustees," one-half of whom are elected every year. The town is divided up into districts, each town having not less than three nor more than seven; and a trustee is elected from each district. He serves two years; but the terms of all the trustees do not begin each year, so that a part of the Board will be composed of new trustees, and a part of some of the old ones. The trustees elect one of their number president of the Board. Each town has a clerk, elected by the people; a treasurer, who collects its monies and receives taxes, and a marshal, who is its policeman and preserves peace and order. Each of these officers is elected for two years. The town election is held on the first Monday of May of each year.

## 3. *Powers of Trustees.*

The Board of Town Trustees have general supervision over all the officers of the town. It occupies the same position toward a town as the Common Council of a city does toward it. It can adopt rules and regulations for the government of the people of the town. These are called "Ordinances." They are the laws of the town, just as the statutes adopted by the State Legislature are laws of the State. These ordinances are subject to the laws of the State, and if there is any difference or conflict between them the ordinances must give way to the State laws. The Board has control of the streets and sidewalks and may order them improved or paved at the expense of the property owners whose property adjoins or abuts upon the street improved. It may provide lights for the streets. It may purchase, lay out and regulate cemeteries for the town. It may prohibit the encumbrance of the sidewalks, or riding or driving on them. It may open and lay

out streets in the town. It may establish markets and build market-houses, or wharves for steamboats where needed. It may prevent animals from running at large within the town. It may levy taxes. It may prevent immoderate riding or driving in the streets. These are only a few of the many things a Board of Town Trustees may do.

#### *4. Clerk's Duties.*

The town clerk keeps the books of the town, and makes a record of all the acts of the Board of Town Trustees. He makes out the town's tax duplicate. He also has charge of the seal of the town; and attaches it to official papers. He issues all orders given for the payment of money on the town's treasurer. He receives such pay as the town trustees allow him.

#### *5. Treasurer's Duties.*

The treasurer does not collect the taxes, but they are collected by the town marshal and paid over to him. Sometimes the town trustees order the tax duplicate to be delivered to the county treasurer, who then collects the taxes. The town treasurer can pay out no money unless the clerk issues an order or warrant directing him to pay it. He, like the clerk, receives such pay as the town trustees allow him.

#### *6. Marshal's Duties.*

Besides collecting the taxes, the town marshal preserves order and peace within the town. To assist him, deputy marshals or assistants may be appointed by the town trustees. If he sees any one violate the criminal laws of the State or the ordinances of the town, he may arrest him, and take him before some Justice of the Peace for trial. He may also arrest

any one whom he has good reason to suspect having committed a serious crime, such as stealing property or breaking into a house to steal. In this respect his powers are very great, in order that he may keep and preserve the peace of his town.

## CHAPTER XXI.

### CITIES.

#### *1. Incorporation—Officers.*

Whenever an incorporated town has two thousand inhabitants, the voters of the town may decide to change it to a city, at an election held for that purpose. The officers of a city elected by the voters, are a Mayor, a Clerk, a Treasurer, and Common Councilmen. These are elected every four years, on the first Tuesday of May. Besides these the Common Council may order that a City Judge be elected; but it is not in all cities that this is done. The Common Council appoints a Civil Engineer, a Street Commissioner, a Chief of the Fire Department, a Health Officer and a City Attorney, who hold their offices four years. — Formerly all city officers held their offices only two years. The terms of these several officers begin on the first Monday of September of the year in which they are elected. In cities of less than ten thousand inhabitants a marshal may be elected at the city election, who serves or holds his office four years.

#### *2. The Common Council.*

Every city is divided into districts called "wards." The number of these vary with the size of the city, and they may be changed as the Common Council sees fit. From each ward is elected a councilman every two years, who holds his office four years. This councilman is elected by the voters of the ward. Every city, therefore, has twice as many councilmen as it has wards. If one die or resign, a special election is

held to elect a new councilman to serve out his term of office. These councilmen compose or constitute the "Common Council," frequently called the "City Council," or the "Council." This Common Council is the city's Legislature. It meets at regular dates, usually every two weeks, as it sees fit to determine. The Mayor presides over these meetings. It may pass or enact "ordinances," which are the city's laws, like the ordinances of a town. For a violation of many of these ordinances a man may be punished, just as he is for a violation of a State law. The powers of the Common Council are very great and extend to many things. It may pass ordinances on many subjects. In some cities these ordinances are printed in book form, and often make books of several hundred pages. Its powers far exceed the powers of a Board of Town Trustees. It may make regulations concerning the health of the city; and about the streets and sidewalks. It may investigate the several officers of the city, and inquire into their conduct. It may require persons engaged in certain work to pay a license; such as, pedlers. It may preserve the peace and good order of the town; and regulate the use of hacks, coaches, drags and other vehicles, including bicycles. It may require saloons or dram shops to pay a license, not exceeding, however, two hundred and fifty dollars a year. It may regulate theatrical and other public shows; and prevent immoderate riding or driving in the streets. It may prohibit begging and punish beggars. It may regulate the ringing of bells or crying of goods. It may prevent animals running at large in the streets, and provide a "pound" for them when taken up in the city. It may build gas or electric lighting works, and cause the streets to be lighted. It may build water-works, to get fresh water. It may dig sewers, to drain the town; and cause the streets

and alleys to be graded and paved. It also determines the amount of tax levy each year. But the Common Council can do no act unless a statute has authorized or empowered it to do it.

### 3. *The Mayor.*

The Mayor is the chief officer of the city, and might be called its "governor." He presides over the sessions of the Common Council. He also holds a court every morning, except Sunday, if there is any business for him to do. He has all the powers of a Justice of the Peace in addition to his powers as Mayor. If a man has violated an ordinance of the city, he may try him and punish him by ordering him to pay a certain sum of money to the city, called a "fine," or send him to the jail for a certain number of days. He signs all ordinances and resolutions of the Common Council, and all contracts with the city. If the city borrows money, he signs the bonds it gives for the money; and if it sells any real estate, he signs the deed for it. He has charge of the city's seal, like the Governor has of the State's.

### 4. *The City Clerk.*

The City Clerk is a very useful officer of the city. He is its book-keeper. He must attend each meeting of the Common Council, and keep a record of the proceedings in books provided for that purpose. He must also keep a record of all monies for which he has given orders or warrants on the City Treasurer. He issues all licenses; and makes out the city tax duplicates. In order to make out these tax duplicates he goes to the County Auditor's office and gets the assessments for taxes of all property within the city. This saves the city from the labor of making an assessment or ap-

praisement of property for taxes. He makes a settlement with the City Treasurer and reports the result to the Common Council.

#### 5. *City Treasurer—Taxes.*

The City Treasurer performs duties similar to those of the County Treasurer, by collecting taxes and paying orders or warrants of the city. The taxes must be all paid by the third Monday of April of each year, unless the Common Council provides that one-half be paid by that date and the other half by the first Monday of November. The city taxes are a lien on the property assessed, just like township, county and State taxes are.

#### 6. *Police.*

It is necessary that every city have policemen to protect the lives and property of the inhabitants. They are more necessary than in the country. In every city having a population of ten thousand and less than thirty-five thousand inhabitants, the Governor of the State appoints three persons, not more than two of whom can belong to the same political party, who are called a "Board of Metropolitan Police Commissioners." This Board appoints a Superintendent of Police, Captains, Sergeants and Detectives. It also appoints policemen or "patrolmen." It has a clerk who keeps a record of its proceedings. The Common Council must provide a "police station" in all cities having this "Metropolitan Board," as it is called. Wherever this Board exists there is no city marshal, but in all towns of less than ten thousand inhabitants a city marshal is elected every four years. In cities having a city marshal the Common Council elect a superintendent of police and employ patrolmen. The chief duty of

the police is to arrest persons violating the criminal laws of the State, and the "penal" or criminal ordinances of the city. If arrested at night, the person arrested is kept in jail or let out on bond or bail until the next morning when he is brought before the Mayor and tried; if arrested in the daytime he may be tried at once.

*7. Opening and Improvement of Streets—Sewers.*

The Common Council may lay out and open a street just the same as the Board of County Commissioners lay out a highway in the county. It has control over all the alleys, sidewalks and streets in the city, to the exclusion of all State, county and township officers. It has power to improve an alley or a sidewalk or the roadway of a street, and to compel the persons whose lands or lots adjoin the improvement to pay for it. When it desires to make an improvement, it passes a resolution to that effect, specifying the kind of improvements to be made, and then advertises for bids. The contract is let to the man who bids the lowest. After he has made the improvement and the City Civil Engineer has approved it, the Council accepts it and orders all the property abutting upon or adjoining the improvement to be assessed for the cost according to the length of the number of feet each tract or lot fronts on the improvement. The cost of this improvement is a lien on the land assessed. Any one whose land is assessed may, within two weeks after the amount of the assessment is approved by the Common Council, enter into an agreement with the city to pay this assessment in ten annual parts or installments. If he does this, then every year he pays off one of these installments, with interest not only on it but also on the other installments not paid. If he does not enter into this contract he must pay off the whole

amount at once; and he may be compelled to do this by a sale of his tract of land or lot that is assessed for the improvement. In order to pay the man who has done the work, usually called "contractor," the city may sell bonds, called "Improvement Bonds," to raise money for that purpose and pledge these assessments for their payment. One-tenth of these bonds fall due every year for ten years, and they draw six per cent. interest. Sewers for draining the city are constructed and paid for in the same way.

#### *8. City Attorney.*

The City Attorney is paid a salary, fixed by the Common Council. It is his duty to advise the city officers and the Common Council concerning their duties. He must defend the city in the courts when it is sued, and must also bring all suits in favor of the city when it is necessary.

#### *9. City Civil Engineer.*

The City Civil Engineer is a very important officer of a city. He is its surveyor. He has the right to make all official surveys made within the city. He surveys the streets, and establishes their grades. When called upon he surveys the lines of lots and tracts of land within the city. When a street is to be improved he supervises the work, prepares the plans for it, and estimates and apportions its cost. He keeps records of all his proceedings in his office.

#### *10. Fire Department.*

Where houses stand close together, there is great danger of fires; and it has always been found necessary to provide means of putting them out. Men often band themselves together in a company for that purpose and purchase fire-

engines, fire-hose, and fire-buckets. These are called "Voluntary Fire Companies;" and their members serve without pay. But the city has the right to buy fire-engines and other fire-apparatus; and employ men to operate them. It may build houses in which to keep the fire-equipment, and in which the firemen can sleep, and the horses be stabled. For this purpose it, of course, can levy a tax. The Common Council may adopt ordinances or rules for the regulation of the firemen and the preservation of fire-equipment.

#### *11. Water-Works—Lights.*

It is the duty of a city to provide its inhabitants with pure and wholesome water; and also for the purpose of extinguishing fires. For this purpose it may give a company the privilege of laying water-pipes in the streets, and regulate the supplying of water to the inhabitants of the city. Or it may build its own water-works system, as many cities do; and for this purpose may issue bonds or borrow money. It may go beyond the city limits and take without the owner's consent, first paying him for it, springs and other sources to obtain pure water. It may employ men to manage the works after they are built; and charge persons supplied with water such rates as it sees fit. It is also the duty of a city to provide lights for its streets; and for this purpose it may employ a company to do it, or it may erect its own gas or electric lighting works.

#### *12. Fort Wayne—Evansville—Indianapolis.*

These three cities are not governed by the same general laws by which other cities of the State are governed. The city of Fort Wayne is governed by one law; the city of Evansville by another, and the city of Indianapolis by a third. These

laws are sometimes called the "Charters" of these cities. They each have a mayor, a clerk, a city attorney, a civil engineer, and a common council. They have a Department of Finance, whose officers look after the monied interests of the city; the chief officer of this department is the City Comptroller. They have a Department of Law, consisting chiefly of the City Attorney. They have a Department of Public Works; this consists of a board of three members, often called the "Board of Public Works," who look after the construction and repair of streets, alleys, sidewalks, sewers, and the construction of city buildings. They have a Department of Public Safety, which consists of a board of three members who superintend the police force of the city. They have a Department of Assessment and Collection, which assesses property for the cost of constructing sewers and improving streets, and the like. And lastly they have a Department of Public Health and Charities, which looks after the public health of the city. In addition to these the city of Evansville has a Department of Waterworks. The cities of Evansville and Indianapolis have each a police court and a police judge, in which are tried persons arrested by the police. This court is in session every day except Sundays. The city of Evansville has a treasurer who collects its taxes; but the other two cities have none, the county treasurer performing that work.

## CHAPTER XXII.

### PRISONS.

#### *1. County Jails.*

Every county must have a jail in which persons charged with having committed crime may be confined until they are tried. If, however, a person has been arrested for committing a crime, he may give a bond with security, usually called "bail," for his appearance at the trial; but if he does not do this he will be confined in the county jail until the day of his trial. This often results in an injustice, for when tried he may be acquitted by the court and discharged. So, if a person be convicted of a small offense, or an offense where his punishment is light, he is usually confined in the county jail. Sometimes the amount of his punishment is only a fine, which is nothing more than an order of the court that he pay the State of Indiana a specified sum of money; this amount in some instances is only one cent, and in others many dollars. If the person thus fined or ordered to pay the money does not pay it, he is confined in the county jail one day for each dollar of the fine and the costs of the trial. In early days a jail was often called a "gaol," being an old English word for it; and a few lawyers still use that word. The jail is built by the county and kept by the county sheriff, either personally or by his assistant, called his bailiff or jailor. In early days in this State the jail was usually built of heavy logs, but in modern times it is built of brick, stone and iron. It is a crime for any one to assist a person confined in a jail to escape unlawfully; and so it is a crime in the person con-

fined to thus escape. In a few counties there are workhouses where prisoners are put at work. If the jail should burn down or become insecure, the judge of the court may direct that the prisoners be taken to the jail of another county.

### *2. City and Town Jails.*

Nearly all cities have their own jails; and so have a few towns. A town jail is sometimes called a "calaboose;" and a city jail usually the "city prison." When a city or town does not have a prison for itself, it then uses the county jail. This is very inconvenient, especially when the jail is in another city or town.

### *3. The Indiana State Prison.*

The Indiana State Prison is usually called the "penitentiary." It is situated at Michigan City, and is governed by three persons called the "Board of Control," appointed by the Governor for three years. The Board elect a Warden, who is the general superintendent of the prison, having charge of all the officers and guards. He has a deputy or assistant. The prison employs many subordinates, keepers and guards; and also a person called a "Moral Instructor," who is usually a minister of the gospel. Strict rules are adopted for the control of the prisoners. In daytime they are allowed greater freedom than at night, when they are confined in cells closed with heavy iron grated doors. If a prisoner becomes insane, he is sent to one of the four hospitals for the insane for treatment; and when cured is returned to the penitentiary. While, however, he is in the hospital his time is going on the same as if he were in the prison. A person confined in the penitentiary is called a "convict." No one except males are confined in this prison. Any per-

son over thirty years of age who is convicted of an offense called a "felony," which is an offense for which the punishment is at least confinement in one of the State prisons—or any person over sixteen years of age who has been convicted of treason, or murder where the punishment is confinement in prison for life, is sent to the Indiana State Prison. These are the only persons now sent there by the courts; although previous to 1897 many others were sent to it.

#### *4. Indiana Reformatory.*

What was once called the "Prison South," located at Jeffersonville, is now called the "Indiana Reformatory." It is also controlled by the same kind of officers as the Indiana State Prison at Michigan City. They both are supported by the State. All male persons convicted of having committed a crime called a felony, or where the punishment is confinement in a State prison, except treason and murder, are sent to this Indiana Reformatory, if they are over sixteen and not over thirty years of age. They are not sent either to this or to the prison at Michigan City for any definite time; but their sentence is that they be confined for an indefinite number of years, frequently from two to twenty-one years, varying with the different kinds of crimes. They cannot be kept any longer than the longest period of time specified; but they may be, and often are, released after being in prison a much shorter period of time. Prisoners whose conduct is bad may be sent from this prison to the Indiana Prison at Michigan City; and prisoners in the latter prison, whose conduct merits it, may be sent to the Indiana Reformatory. The object of the law is to keep the young and better class of persons at the Reformatory; and to separate them from the worst class, kept at Michigan City.

### 5. *Reform School for Girls and Woman's Prison.*

This institution is located at Indianapolis. Previous to 1869, all girls and women convicted of a serious crime, such as a felony, were sent either to the penitentiary at Michigan City or at Jeffersonville. It is controlled by a board of three female managers; and nearly all the officers are women. When a woman is convicted of having committed a crime so serious that if she were a man she would be sent to the prison at Michigan City or Reformatory at Jeffersonville, she is sent to this institution. Girls under the age of fifteen years may be sent to this institution by the judge of the court, at the request of their parents or guardians, or even upon the complaint of any other person, and upon proof that they are vicious or cannot be controlled. When so sent to the Reformatory, girls may be kept until eighteen years of age, and then they must be discharged. They may be, however, and usually are, discharged before they arrive at that age if they behave well.

### 6. *Indiana Reform School for Boys.*

The Indiana Reform School for Boys is situated at Plainfield, fifteen miles southwest of Indianapolis, on a large farm. It consists of a number of buildings. It is under the management of three commissioners appointed by the Governor. It has a number of officers. Any boy over eight and under sixteen years of age, charged with having committed a crime, and convicted, is sent to this reformatory, where he remains until twenty-one years of age, unless sooner discharged by the board of commissioners. Vicious boys between the years seven and eighteen may also be sent to the reformatory by the judge of the court when complaint of their conduct is made to him. The boys at this reformatory are required to attend

school in a building provided for that purpose; and to perform much physical labor. They work on the farm, keep the grounds in excellent order, build fences and walls, do all the washing or laundry work for the institution, and sweep and keep clean all the buildings. They are also required every Sunday to attend church, usually called "Chapel." They are generally taught some trade.

7. *Board of Commissioners of Paroled Prisoners.*

The warden of each State prison, its Board of Directors, chaplain and physician, constitute this Board for their prison. A record of the conduct of all the persons under their charge is kept in the prison. If this Board comes to the conclusion that the conduct of a prisoner justifies his release after he has been in prison for the shortest period he could have been sent to it, it may release him; but if his conduct has not been good, it may keep him for the longest period of time he could have been sent to the prison for the commission of that offense. Thus there is held out to every person an incentive to reform and conduct himself properly. And this idea has its foundation in that clause of the constitution to which allusion was made in the chapter on the Bill of Rights, that our criminal laws "shall be founded upon the principles of reformation and *not* of vindictive justice." If this Board believes, from the conduct of a prisoner, that he will live and remain at liberty outside the prison without violating the law, it may release him upon his "parole," and he can then go at large on this parole or permit, upon such terms and conditions as the Board see fit to impose. If he violates the terms of his parole, or does not conduct himself properly, he may be arrested and returned to the prison from which he was released, by the agent of the prison or by any member of the Board,

or by any sheriff or constable of the State when ordered so to do by the Board, or by an officer or agent of the prison. Instead of releasing the prisoner on parole, the Board may wholly discharge him if its members think best, after he has remained in prison or on parole for the shortest period for which he could have been sentenced. Every prisoner when discharged is given a cheap suit of clothes, ten dollars and a railroad ticket to his old home, or to any other place not farther away. He is taken to the depot, put aboard the train and then and there released. County jails do not have Boards for paroling prisoners.

## CHAPTER XXIII.

### THE POOR.

#### *1. Support.*

Every county must support its own poor or indigent people. Every township trustee is also the "Overseer of the Poor" of his township, and must attend to their wants. For this purpose he is supplied with money by the County Commissioners. If there be a county asylum he must take the poor of his township that cannot support themselves to this asylum. This asylum is under the control of a Superintendent, and the poor are there fed, clothed and housed at the expense of the county. The township trustee must keep a record of all those he aids, together with the amounts he gives them and for what purpose. If he finds poor of another county in his township he may send or take them to such county, and for this purpose may furnish them railroad tickets with which to travel. Paupers are buried at the expense of the county. The township trustee must levy a tax to reimburse the county for the money it has advanced to support the poor of his township.

#### *2. Poor Children.*

Poor children of sound mind, between the ages of one and sixteen years, are put in suitable places not connected with the county asylum, and under the control of a woman called a "Matron." If the children be too many for her to control, additional matrons may be appointed by the Board of County Commissioners. The Matron must send the chil-

dren of suitable age to the public schools, and keep a record of all children under her charge, and of all her expenditures of money.

### 3. *Orphan's Home.*

Instead of building an Orphan Asylum, the county may place the poor children in any Orphan's Home of the county, that will receive them, even though such home be under the control of private persons. In such a case, the county may pay the managers of the Home for taking care of them. It is the duty of the Home to support and educate the children thus placed in their charge. The county may even contribute to the cost of the construction of such a Home built by a private association, in which it will have a part of the ownership.

### 4. *Board of Children's Guardians.*

In every county having a population of fifty thousand persons or over, the Circuit Court appoints six persons who are called the "Board of Childrens' Guardians" of the county where appointed. This Board has great powers. It has the care and supervision of all neglected and dependent children of the county under fifteen years of age, and may take control of them. So it may take control of any child neglected or cruelly treated by its parents, or found begging on the streets, or whose parents are drunken and vicious and are unfit to have charge of them. They may, with the consent of such court, place these children in the Reformatory for boys, or for women and girls, or in an orphan asylum. All this is to secure the welfare of the child.

### 5. *State Agent.*

The Board of State Charities can appoint a person its

“State Agent,” whose duty it is to inspect asylums for children, and seek out proper permanent homes for those placed in such asylums. He must visit and see that children thus placed out in homes are properly treated; and if he thinks they are not receiving proper care and treatment he may remove and return them to the asylum from which they were taken.

## CHAPTER XXIV.

### ROADS AND HIGHWAYS.

#### *1. Locating Within the County.*

A country without public roads or highways would be a very undesirable place in which to live; in all countries that are civilized, they are recognized as absolute necessities. In this country they are called "Public Highways," but in England the "King or Queen's Highways." The Board of County Commissioners have the power to determine where a highway shall be located, except in a city or town. The highways of a city or town are its streets and sidewalks, and over these the county officers have no control. If the people of a particular part of a county desire a highway laid out where none is situated, twelve landowners of that neighborhood must sign a petition asking the Board of County Commissioners to locate it, describing the route where they desire it to be. Notice of this application must be given in a newspaper, or by posting up notices. The Board then appoints three persons to examine, locate or "view" the route of the proposed road. These persons are called "Viewers." They examine the route, and at the next session of the Board report to it, particularly describing the route of the proposed road, and any change they have made in it as described in the petition. If the viewers report in favor of the highway the Board orders it opened, when no objection is made by some person through or along whose land it runs. This objection is called a "Remonstrance." The landowner may object because the road will not be of any benefit to the public, or because he has not

been allowed any damages for that part of his land taken. When he makes this objection, the Board appoints three other persons, called "Reviewers," who go out and review the road to ascertain if the objections made are well founded. If they report against the person remonstrating, the township trustee is ordered by the County Board to open the highway. If they report that such objecting person ought to have damages, the road is not opened until these damages are paid, either by the county or by the persons who desire the road; if they report that the road will not be of public use, the whole proceedings are dismissed at the cost of the persons who petitioned for the road. The road when laid out must be at least thirty feet wide.

## *2. In More than One County.*

Sometimes it is desired to locate a road in two or more counties. When this is done, at least twenty-four landowners (called "Freeholders," for a freeholder is a person who owns land) must petition the Board of County Commissioners of their county for the location. This petition must describe the beginning, course and termination of the highway proposed, and give the names of the owners of land through which it will run. When this is done the Auditor of the County notifies the Auditors of all the Counties in which the highway is to be located. Notice of these proceedings is then given in a newspaper for three weeks; and then the Board that was petitioned for the highway appoint a person as commissioner to view the route of the proposed road; and each of the other Boards of County Commissioners of the other counties also each appoint one commissioner. These road commissioners meet, examine the route of the proposed road, and report to each Board of County Commissioners. In this

report must be a description of the proposed road, and a recommendation either for or against it. If the report be against the road, the whole proceedings are dismissed; but if it be in favor of it, then all the Boards of County Commissioners must declare it established and enter a description of it on their records. If any person object or remonstrate against the proposed road, when the report in favor of it is filed with the County Commissioners; then three other persons are appointed to review it. If these reviewers report against the highway, and a majority of the Boards of County Commissioners think it ought not to be located or established, the whole proceedings are dismissed; but if such a majority think it ought to be located or established it is so done. If a land owner has claimed damages, and the reviewers allow it, they must be paid before the road is opened through his land.

### *3. On County or State Lines.*

Frequently it is found convenient to locate roads on county lines or occasionally on lines between this State and Ohio, Michigan or Illinois. In such an instance the Boards of County Commissioners of the two counties proceed the same as if the road ran in or through the two counties; and in an instance of a road on the State line, then the Board of County Commissioners act with the authorities in the adjoining State, the same as if that State was only an adjoining county and the road to be located on the county line.

### *4. Early State Roads.*

Before the constitution of 1851 was adopted, it was the practice for the Legislature to adopt a law providing that a road should be laid out between certain places named in the law. Under this practice many roads in the State were estab-

lished, especially in southern and central Indiana. The law usually named three persons who should locate the route of the new road, cause it to be surveyed, and make a report to the county Auditors of the counties in which it was located. These roads are now regarded as county roads, although frequently called "State Roads."

#### 5. *Roads by Dedication or User.*

A landowner may give a road to the public across his land. This is called the "dedication" of a highway. This has been done frequently. After he has thus given the public a road, the landowner cannot take it back without the consent of the Board of County Commissioners, or rather until it is vacated by that Board. So it frequently happens that the public travel across a man's land until it becomes a public highway; and this is for the reason that as he does not object to this use of the way across his lands (as he may always do at first) he has consented that the public may have it for a public road. It is the same as if he had formally given it to the public.

#### 6. *Vacating or Changing Roads.*

If it is desired to vacate or change a public road, the same proceedings are pursued as is necessary in order to establish one. If a new road be located, and it is not opened and used within six years from the time it is located, it ceases to be a highway for any purpose. If, however, a part of it has been opened and used, such part remains a highway, although the remaining part does not. Whenever a road or highway is vacated and abandoned, the ground it covers goes back to the owner of the adjacent land; and if it runs along a line between the land of two owners, it goes back to each one,

usually one half to each; that, however, depending on where the original boundary line between the two tracts of land is situated. A landowner may ask to have a public road on his land changed, and if the Board of County Commissioners, after proper proceedings, consent, the change may be made. So a change may be made in a highway running along a stream of water whenever the road has become unsafe; so a newly constructed railroad may render a change necessary.

#### *7. Opening a New Highway.*

Whenever a road has been established and located by order of the Board of County Commissioners, it is the duty of the trustee of the township in which it is situated to open it; and for that purpose he may call upon the road supervisors of the township to require those persons in the township liable to be called upon to work on the public highways, to assist in the work of opening it. The road cannot be opened over a man's land until the damages allowed him have been paid, or paid to the County Treasurer for him. When opened it must be kept in repair the same as any other public highway.

#### *8. Working On or Repairing Highways.*

Every township is divided up into "Road Districts" for the purpose of keeping the roads of the township in repair. The number of these districts vary, as the township trustee thinks best. For each district the trustee appoints a "Road Supervisor," who has charge of the roads in his district, and who must see that they are kept in repair. If this supervisor declines to accept the appointment, he is liable to be fined for his refusal. Every able-bodied person, except insane,

idiotic, deaf and dumb, and blind persons, over the age of twenty-one and under fifty years, may be called upon each year to work on the public highways. The length of time he must work depends upon the direction of the road supervisor; it cannot be less than two nor more than four days, and each day he must work eight hours. A person required to work may send a substitute. Any person called upon to work who does not work faithfully but idles away his time, is liable to be fined. Instead of working, however, the person thus required to work may pay the road supervisor one dollar and twenty-five cents for each day so required to work, and thus escape the work. The supervisor may require any person having a team of horses, mules or oxen, and a plow, road-scraper or wagon to furnish them; and if he drives them he will receive credit for three days work for each day they are used. This work is performed in April, May or June; but if a road should become so out of repair that it is dangerous, the supervisor may require the work at any time. Persons who served in the Union Army and Navy during the War of the Rebellion and who were honorably discharged are not required to work on the public highways. Any person liable to work who is unable from bodily infirmities to work, and who is too poor to pay one dollar and twenty-five cents per day, will be excused by the township trustee on application to him. Persons within a city may be required to work on the streets or highways of the city, but this is seldom or never done; and persons within a town may also be required to work within the town, but not outside of it. If a person liable to work is duly notified to do so and does not, and also does not pay one dollar and twenty-five cents for each day, he may be sued by the township for the money he is liable to pay.

*9. Road Tax.*

Every June, the township trustee, with the consent of the Board of County Commissioners, may levy a tax, called a "Road Tax," for the repair of the highways of the township during the next year. This tax cannot exceed thirty cents on each one hundred dollars' worth of property within the township. Any one liable to pay this tax may work it out at the rate of one dollar and twenty-five cents a day in the road district where the property taxed is situated, or where the person liable to pay it resides. If it is not so worked out by such person, then the township trustee may use it in that district for the repair of the roads.

*10. Turnpikes.*

With the permission of the Board of County Commissioners, a company of men may take possession of a public highway for the purpose of improving it. They must grade and gravel it so as to give it a hard and even surface; and when they have done this, they may put up toll gates and collect "toll" from all who travel with horses or animals on the road. These rates cannot exceed a certain amount for each mile traveled. They are called "Toll Roads" or "Turnpikes." After the company has taken possession of a highway, it may abandon it; and then the toll road becomes free; or they may abandon only a part of it, and that part will become free. So the county or a township wherein a turnpike is situated may decide by an election of its voters to buy a toll road or so much of it as lies within its boundaries; and if it do, then the road purchased will become free to all travelers.

*11. Free Gravel Roads.*

Whenever the property owners along a highway desire

to have it improved by grading and graveling it, they may petition the Board of County Commissioners to have it done. Notice is given of this petition in the newspapers, and then viewers are appointed to determine whether a public necessity requires the improvement to be made. If they so decide, and the Board then decides to make it, it lets out the contract for the improvement to the lowest bidder, and appoints three disinterested landowners to assess each tract of land within two miles of the road to be improved its proportion of the cost. The County Commissioners may then issue bonds and sell them to raise money to pay the cost of this improvement. A part of these bonds must be paid, after two years, each year, but must all be paid by the end of eight years. The assessments on the lands to pay for the improvements are divided up into parts or instalments, payable so much every year that these bonds have to run; and when one of these instalments is paid the money thus obtained is taken to pay off that part of the bonds falling due that year. All roads built in this way are free, and they are called "Free Gravel Roads." They are under the control of the Board of County Commissioners, and are kept in repair by it.

#### *12. Bridges.*

All bridges are built and kept in repair by the county, even within a city or town if they cost over five hundred dollars. Small bridges, however, costing less than seventy-five dollars, are built and kept in repair by the township. Townships may, however, if they see fit, hold an election, to determine whether it will build a bridge that will cost more than five hundred dollars, and if the voters decide in favor of it, it may build it. Bridges over streams that form the boundary line between two counties, are built by such counties, each

county paying its part. A bridge is always a part of a street or public highway.

*13. Obstructing a Highway.*

No one can obstruct a highway or any part of it permanently. To do so is a criminal offense, and the person doing it is liable to be punished by a fine. Highways belong to the public and are for its use and convenience, and no person has a right to make any use of it that prevents its free use to its full width.

## CHAPTER XXV.

### DRAINAGE.

#### *1. Construction of Ditches.*

Whenever it is necessary to keep and preserve the health of the public a wet and swampy district or region may be ordered drained or ditched by the Circuit Court or Board of County Commissioners. The Board of County Commissioners select three persons who are called "Drainage Commissioners;" these hold their offices two years and have charge of the construction of all public drains built in the county. Whenever any owner of land lying outside of a city or town petitions the Circuit Court for a ditch, and after notice of it has been given to the persons whose lands will be effected, the Court refers it to the Drainage Commissioners. These examine the route of the proposed ditch and all the lands that ought to be assessed for its construction, and report to the court whether or not the ditch ought to be constructed. Many objections may be urged to this report, but the court may proceed and order that the ditch be constructed unless some one of them is well founded, which must be proven. The court then refers the ditch to one of the Drainage Commissioners, and he lets out the work of constructing it to the lowest bidder. The amount of his bid is divided up among all the lands benefited, and the owner is required to pay the amount allotted to his tract of land. The court may also order that a whole or a part of the ditch be tiled. If the Board of County Commissioners are petitioned to have a ditch constructed they refer it to three landowners, and not to the

Drainage Commissioners, and the proceedings are then very much like those just described, except that the County Auditor lets out the contract of constructing it. If the drain be in two counties the Boards of County Commissioners of the two counties act together.

## *2 Repairing Ditches.*

It is necessary to keep ditches cleaned out, or they will soon fill up and be of little use. In order to do this, the County Surveyor examines all the ditches in the county, and sets aside to each landowner whose land is benefited by the ditch, a certain portion of the ditch on or adjoining his land to keep in repair. He makes a record of this allotment in a book kept for that purpose. It is then the duty of the township trustee to direct the road supervisors to notify the landowner to keep his part of the ditch in good order; and if he do not do it, the township may do it for him and compel him to pay for it.

## *3. Levees.*

In order to keep water from flooding lands it is often necessary to build an embankment called a "levee." This may be built under laws similar to the drainage laws, and the owners whose lands are benefited compelled to pay for it. They are kept in repair much in the same way that ditches are kept in repair.

## CHAPTER XXVI.

### EDUCATION.

#### *1. School Corporations—School Officers.*

In discussing townships it was shown how every township was also a "School Township," or township for school purposes; and that every township trustee was also a "School-Township Trustee." The same is true of cities and towns. Every city is a "School City," or a city for school purposes; and every town a town for school purposes, or a "School Town." Every city and town has separate school trustees. The Common Council appoints them for the city, and the Board of Town Trustees for the town. These trustees have charge of the schools of their respective cities, towns and townships. They must provide enough school-houses to accommodate the school-children of the city, town or township. They have charge of all the school property. In the City of Indianapolis, however, there are no school trustees; but in their place eleven school commissioners are elected by the people.

#### *2. Enumeration of Children.*

Between the tenth and thirteenth day of April of each year the school trustees must make out a list of all the children residing in their city, town or township who are between the years of six and twenty-one years. This is called the "Enumeration." They also take the names of the parent, or guardian, head of the family or person having charge of a child thus enumerated. Persons under twenty-one years

who are married are not enumerated. The trustees also make a note of the school-house to which the parent or person in charge of the child sends it to school. The person who sends his children to a particular school is said to be "attached" to that school. In the township the persons who send to a school make the district for that school. But in towns and cities there are no school districts. Sometimes it is more convenient for a person to send his children to a school in another township, or to a town or city; and at the time the enumeration is taken he may ask the school trustee for that privilege, and if he consent, such person may then send his children to the other township, town or city, even though it be in another county. This is called a "transfer" for school purposes. The transfer can only be made at the time the enumeration is made. A person thus transferred is taxed for school purposes in the township, town or city to which he is transferred, but not in the place where he resides. In 1897 the number of children enumerated in the State was 749,902; the average daily attendance at school 402,747, while the number enrolled in the schools was 551,073.

### *3. Compulsory Education.*

All children in the State between the ages of eight and fourteen must attend a public, private or parochial school, at least twelve consecutive weeks in each school year (which begins on the first day of July), unless they have certificates of graduation showing that they have completed the first eight years of the work of the public school, or are physically or mentally unable for the school work. Persons are appointed, called "Truant Officers," to see that all such children are sent to school, and to notify their parents, guardian or custodian, when they are not so sent, to send them. If the per-

son thus notified does not comply with the request, he is liable to be arrested and punished by fine and imprisonment in the county jail. If a parent, guardian or custodian of a child cannot buy school books and clothes for him, the school trustees must furnish them so he can go to school.

*4. Graded or High Schools.*

The school trustees may establish graded or high schools. Two townships, or a town and township, or a city and a township may unite and build a graded or high school, and jointly support it.

*5. School Superintendents.*

On the first Monday of June of the odd numbered years, the township trustees meet at the County Auditor's office and elect a "County Superintendent." If they be evenly divided, the County Auditor gives the casting vote. The County Superintendent serves two years. He must examine all applicants for a teacher's license; and no one can teach in the public schools unless he has a license issued by the County Superintendent or some State school officer. It is made his duty to visit and superintend the schools of the county. He, however, has nothing to do with city schools, except to examine the teachers who desire licenses to teach therein. He usually has an office in the county court-house. The school trustees of a city or town may elect a school superintendent of such city or town; such a superintendent has charge of the schools of his city or town. In many towns, however, no superintendent is elected.

*6. State Superintendent of Public Instruction.*

The State Superintendent of Public Instruction is elected every two years at the general State election, by the voters of

the State. He has an office in the State-House in Indianapolis, and has two clerks to assist him. At each regular session of the General Assembly, he makes a report to it concerning the public schools of the State; and the year it is not in session he reports to the governor. During his term of office he must visit each county in the State. His traveling expenses are paid by the State. He has general charge of the schools of the State, and must look after their interests. He is at the head of the State School system.

#### *7. Indiana State Board of Education.*

The Governor, the State Superintendent of Public Instruction, the Presidents of the State and Purdue Universities, and of the State Normal School, and the Superintendents of the schools of the three largest cities of the State, constitute a Board called the "Indiana State Board of Education." The three largest cities at the present are Indianapolis, Evansville and Fort Wayne. The State Superintendent is the President of this Board. The Board has a seal which it uses on official papers that it issues. It meets on the call of the President in rooms adjoining those of the State Superintendent in the State Capitol. It issues State licenses to teach to persons showing themselves entitled to them on examination. It looks after the interests of the Schools of the State, and makes such recommendations for their benefit as it thinks proper. It selects the school-books for the schools of the State, elects five trustees of Indiana University, and manages the State Library.

#### *8. Schools Free.*

The common schools are free to all those entitled to go to school. No one is compelled to pay tuition. In the early

history of the State, the school-houses were free, but those sending to school paid the teacher. Now the teacher is paid out of the school funds or revenues. Sometimes when a pupil desires to go to another district or to a city or town school, and he has not been regularly transferred, he must pay tuition for the privilege; but even if he were willing to pay tuition he could not go to the schools of such other township or to the town or city, if the school officers would not consent to it. In 1897 the number of school-teachers employed was 15,052.

#### *9. School Funds.*

In the ordinance of 1787, which was described in the first chapter, Congress provided that one section of land in every thirty-six should belong to the public schools. In the chapter on townships is described a "Congressional Township;" and this section, called often the "School Section," is number sixteen of that township. This section, like all other full sections, has 640 acres in it. In many of the Congressional Townships this section has been sold, but the money received from the sale has not been spent or used. When the section has not been sold it is rented out, and the rent thus received used to support the schools of the township. If parts of two civil townships lie in this Congressional Township, the rent or the income from the money is divided between them.

So any town or city within the Congressional Township receives its share of the rents or income. This is called the "Congressional Township Fund." The school funds also consist of monies derived from other sources. Congress in 1816 gave the State all lands around salt springs, which were then thought to be valuable, called "Saline Lands;" and

these have been sold and the money added to the school fund. If a man dies without any heirs, and without having made a will, his lands may be sold for the benefit of the school fund. If a man be fined or ordered to pay a sum of money to the State because he has violated the law, the amount he pays belongs to the school fund. In 1850 Congress gave the State many acres of swamp lands; and these have been sold for the benefit of the schools. The money derived from the sale of the school sections can never be diminished in amount. All these several sums of money is called the "School Fund," and it is divided among the counties of the State, and loaned out by the County Auditor on real estate mortgages at six per cent. interest. If the money is not loaned out, the county must pay interest on it; and if it be loaned out but the interest not paid, the county must still pay the amount of interest not paid by the borrower. This method is pursued in order to always have an income from this fund with which to support the schools. If any of the fund be lost, then the county must make up the loss. In 1898 the total school fund amounted to \$10,222,792. The interest received from this fund is called the "School Revenue for Tuition," and it is only used for the support of the public schools, but not for building school-houses or buying school furniture.

#### *10. Apportionment of School Revenue.*

Every six months the State Superintendent of Public Instruction apportions to or divides the interest arising from the school fund, together with the amounts arising from the State school tax levy, among the several counties of the State, according to the number of children each has enumerated for school purposes; and then the State Treasurer pays this over

to the County Treasurer. This division is made in June and January. As soon as this division has been made, the County Auditor of each county makes a division of the amount his county receives, among the townships, cities and towns of his county. In doing this he must see that the interest arising from the Congressional Fund goes to the township to which the fund belongs; and if it belongs in part to a city or town, or to two civil townships, that division is made according to the number of school children each city, town or township has. To each child in the county is usually allowed the same amount, unless it would disturb the distribution of the interest on the Congressional Fund; but this seldom occurs.

#### 11. *Taxes.*

The interest received from the school fund is not enough to support the public schools. It pays less than one-fourth the cost of their support, so that it is necessary to levy a tax for that purpose. Every year the State levies a tax of eleven cents on every one hundred dollars worth of taxable property and distributes it among the counties according to the number of their school children. But the trustees of the several townships, towns and cities, may also levy taxes for the support of the public schools. The township trustee levies this tax without the consent of the Board of County Commissioners, as is required in an instance concerning the levy of ordinary taxes. These taxes are of two kinds: one to build school-houses and buy school furniture, fuel and the like; the other to employ teachers for the schools. The first is called a "Special School Tax," and the second a "Local Tuition Tax." The first cannot exceed fifty cents on each one hundred dollars worth of property in the township, town or city where levied; the second cannot exceed thirty-five

cents. If a township is in debt for school buildings, it may levy a small tax not exceeding twenty-five cents on each one hundred dollars worth of property in the township to pay this debt. The city or town levying a school tax collects it, but the County Treasurer collects the township school tax and pays it over to the township trustee on the order of the County Auditor. All these city, town and township taxes (frequently called "Local School Taxes"), are used in the city, town or township levying them, and none of them are paid into the State Treasury. Besides these, so much of the fund raised from the tax on dogs as is not paid to the owners of sheep killed by dogs, is paid over to the proper school authorities for the support of the schools. In 1897 the total amount of money expended for school purposes amounted to the large sum of \$6,964,667.

### *12. School Buildings.*

School-houses are built by the school trustees. They belong to the school city, school town or school township in which they are situated. If a city or town should so extend or enlarge its boundaries that it took in a school-house in the adjoining township, such school-house would then belong to the city or town, and the township must give the school city or school town a deed for it. The township thus loses its school-house, and gets nothing for it. The sites of township school-houses may be changed if convenience or necessity requires it, but not without the consent of the County Superintendent of Schools. In cities and towns this consent is not required. If a school-house be not in use the school trustee may permit any person, if the majority of school patrons request it, to teach a private school in it, until it be needed for a public school. So if a school-house in the county be not

in use, the trustee, if a majority of the voters in the district request it, must allow it to be used for public and religious meetings; but during the time it is in use for schools he may refuse the request. The school trustees in cities and towns, however, are not compelled to permit such public use of the school-houses. In 1897 there were 10,050 school-houses in this State.

### *13. School Libraries.*

In 1852 the Legislature enacted a law providing for a levy of a very small tax for the purchase of books. By this tax was raised the next year two hundred thousand dollars. With this money books were bought and distributed to the townships of the State; and the books thus distributed made the "Township Libraries" that are now found in those townships where they have not been destroyed. About 1865 a few books were added to each library, but since then there have been no additions to them. In some townships these libraries have been lost or destroyed. They are under the charge of the township trustee, free for the use of the people of the township. In a few counties there are county libraries, kept by the county. The school trustees of cities and towns can establish free libraries, if they see fit, in connection with the schools, and levy taxes for their support. In cities buildings may be purchased or built for the library. These libraries are under the control of the school trustees who make rules and regulations for their government and the use of the books. Nothing is of as great a benefit to a community as a public library of good books, even though small. A tax ought to be levied and a new library provided for every township in the State. A good library for each township could in this way be provided, although the amount each tax-payer would have to pay would be so light he would scarcely notice it.

#### 14. *Indiana and Purdue Universities—State Normal.*

*Indiana State University* is located at Bloomington. In 1816 the United States gave a township of land for it; and it was founded in 1820. The first building was put up at Bloomington in 1825. It is supported in part by rents from lands it owns, by interest on money it has, and by a tax levied by the State for its use. In 1898 it had nearly a thousand students. It has seven buildings, six of which are situated in the midst of twenty acres of land, called a "Campus," partly covered with fine forest trees. The University has a library of many thousand books. No charge is made for tuition; but small charges are made for certain rights or privileges a student enjoys.

*Purdue University* is located on a high bluff, at the City of Lafayette. In 1862 Congress gave the State many thousands of acres of land with which to build and support a university. Mr. John Purdue in 1869 gave it a very large sum of money, and the university was then named after him. It has eight buildings, and is surrounded by one hundred acres of land. In this university are taught many things not taught in the ordinary colleges. It teaches boys to become machinists, surveyors, or civil engineers, or chemists, or farmers; besides these many other studies are taught. It has shops in which are many kinds of machinery for the use of the students. It is supported by interest on funds it owns, and by a tax levied by the State for it. No charge is made for tuition, but there are certain other incidental charges made, which must be paid. In 1898 it had nearly seven hundred students.

*The Indiana State Normal School* is located at Terre Haute. The principal object of this school is "the perfection of teachers

for teaching in the common schools of Indiana." Pupils who do not intend to teach, however, frequently go to it. It has two large, fine buildings. This school, like the two State Universities, is free and no tuition is charged. It is supported by the State by a tax levied for it. At the spring term of 1898 it had nearly fifteen hundred students.

There are many *other colleges* in the State but they are not a part of the public school system. Among them are the Presbyterian colleges of "Wabash," at Crawfordsville, and "Hanover," near Madison; the Methodist, "Depauw University," at Greencastle, and "Moore's Hill College," at Moore's Hill; the Baptist, "Franklin College," at Franklin; the Friends, "Earlham," at Richmond, and the Christian, "Butler University," at Irvington, near Indianapolis. Tuition in these schools is not free.

## CHAPTER XXVII.

### ELECTIONS.

#### 1. *When Held.*

On the first Tuesday after the first Monday in November, of the evenly numbered years, there is held a general State, county and township election throughout the State. Thus an election is held every two years. Elections in towns, however, are held annually on the first Monday in May; and in cities on the first Tuesday in May in the evenly numbered years. When an election is held every year it is called an "Annual," and when every two years a "Biennial Election." If an office should become vacant for any cause between the dates of election, the vacancy is filled by appointment. This, however, is not true of a common councilman or member of the General Assembly, or when two or more persons receiving votes at any election have the highest and an equal number of votes for the same office. In any of these events a special election is called and held to fill the vacancy. But the city election in the City of Indianapolis is held on the second Tuesday of October; and in the City of Evansville on the first Monday in April. The elections in these two cities are held every two years.

#### 2. *Precincts.*

The Board of County Commissioners of each county in 1889 divided their respective counties up into small divisions called "Precincts," for election purposes. Since then these precincts have, in many instances, been changed. They

should contain, as nearly as practicable, not less than two hundred voters, nor more than two hundred and fifty. This is to enable election officers of a precinct to know all the persons who are entitled to vote in that precinct, and prevent persons voting who are not entitled to do so. If an entire township has not over two hundred and fifty voters it makes only one precinct. The Board of County Commissioners also divides up cities and towns into precincts. But when a city or town election is held the city or town may have a new set of precincts provided by the Common Council for the city, or by the Board of Trustees for the town. In these city or town precincts only city or town officers are voted for. These city and town precincts are often, however, the same, having the same boundaries as the precinct boundaries of those created by the Board of County Commissioners.

### 3. *Who Entitled to Vote—Electors—Naturalization.*

No person is entitled to vote unless he has resided in the precinct where he desires to vote thirty days immediately preceding the day of the election and in the township of which the precinct is a part sixty days immediately preceding such election. If it is a city or town election he must have resided in the ward thirty days. He must also have resided in the State six months immediately preceding the day of election, and have been a citizen of the United States. Foreigners cannot vote unless they have lived the same length of time in the precinct, township and State, and have declared their intention to become citizens of the United States as the laws on the subject of naturalization provide. Simply because a man goes out of the State he does not lose his residence nor his right to vote. Men elected to Congress spend most of their time at the city of Washington, often take their families

there and "keep house," and yet do not lose their right to vote in the precinct where they lived when elected. But if a man goes out of the State with the intention of not coming back to live, he loses his right to vote, and if he returns he must live here the same length of time that a man would do who had never lived here. A man confined in the penitentiary, however, is "disfranchised" and cannot vote; and often he cannot vote for several years after he has served out his sentence. If pardoned by the Governor, however, he may vote. No one can vote who is not at least twenty-one years old. In law a man becomes twenty-one years old the day before his twenty-first birthday, and on that day he may vote if an election is held in his precinct. This frequently occurs. In this State women cannot vote; but in some of the States they may.

#### *4. Ballots.*

All elections in this State are by "ballot" A ballot is a piece of paper with the names of the persons printed on it for whom the voter or elector desires to vote. The State prints the ballots on which are put the names of the candidates for State offices and for Congressmen; and the county those on which are printed the names of the candidates for county and township officers. When a city or town election is held, the city or town prints the ballots. Every year a State election occurs, the Governor selects two voters from different political parties, and these two, with himself, constitute the "State Board of Election Commissioners." In each county, at the same time, the Clerk of the Circuit Court selects two voters from different political parties, and he, with these two, constitute the "County Board of Election Commissioners." When there is a city or town election, com-

missioners are appointed for the city or town. All these persons serve without pay. It is the duty of the State Board to see that the State ballots are properly printed and distributed to the counties; and of the County Board to see that the county and township ballots are properly printed, and they and the State ballots properly distributed to the precincts in the county. Each political party furnishes the State Board with the names of the persons and for what State offices it has named them as candidates, and a like list is furnished the County Board of persons named as candidates for county and township officers. Sometimes voters desire to vote for persons not nominated or selected by a party as its candidate. When they desire to do this, they may petition the State or County Boards to place the names of the persons they desire to vote for upon the ballot to be printed; and if the proper number of persons do this in time, the names are placed on the ballot. All the names of the candidates nominated by the Democratic party are placed in a column (one above the other) on the left-hand side of the ballot; then comes the Republican ticket in a like column, and the other parties as the Board sees fit to arrange them in columns. A round ring is printed at the head of these tickets, and usually some emblem or device is printed in it, as the party directs. The Democrats usually have a picture of a rooster printed in the ring over their ticket, and the Republicans an eagle. To the left of each name on the ballot is a small square.

##### *5. Form of Ballot.*

The following is part of the form of a State ballot. If there be another party ticket, it is placed to the right of the Republican ticket:



DEMOCRATIC TICKET.



REPUBLICAN TICKET.



For Governor,  
BENJAMIN F. SHIVELY.



For Governor,  
JAMES A. MOUNT.



For Secretary of State,  
SAMUEL RALSTON.



For Secretary of State,  
WILLIAM D. OWEN.

### 6. *How to Vote.*

When an elector desires to vote, he goes into the place where the election officers are, and they give him a blue pencil and a ballot, on the back of which the election clerks have put their initials. He then goes into a little booth or stall, in front of which hangs a curtain, so no one can see what he does, and marks his ticket. If he desires to vote for all the candidates on the Democratic ticket, for example, he makes a plain cross like this **X** with the blue pencil, in the round ring at the head of that ticket. He can only use a blue pencil in making this cross; and he cannot use any other kind of mark. But if he does not desire to vote for all the

candidates on that ticket, or the straight Democratic ticket, he makes a cross with the pencil in the small square to the left of the names of those persons for whom he desires to vote, whether they be on the Democratic or any other ticket, and does not make a cross in any of the circles. He cannot vote for more than one man for any one office. He must not put a mark on his ballot any other place than a cross in the circle or squares; for if he does his ballot will not be counted. So if he were to mark both a circle and a square, it would be thrown out. He is not bound to vote for all the offices, but just such as he sees fit. After he has marked the ballot, he folds it up so the clerks' initials can be seen, and gives it to the officer having charge of the ballot-box, into which it is put. The clerks write down his name on a list, and then he leaves the election room. The State ballots are printed on red tinted paper and put into a red ballot-box; the county ballots are printed on white paper, and for them a white ballot-box is provided. The color of the township ballot and ballot-box is yellow. Every voter at a State and county election receives both a red and a white ballot, and if a township election is held at the same time, a yellow ballot, and he must mark all three of these if he desires to vote them.

#### *7. Election Officers.*

For every precinct, except the one in which the township trustee lives, the Board of County Commissioners appoint an election "Inspector" and two "Judges." In the precinct where the township trustee resides, he serves as the inspector. These three form the "Board of Election" for the precinct, and they must be voters in that precinct. On election day the Board must appoint two persons as "Poll Clerks." Not

more than two members of the Board can belong to the same political party; and the poll clerks must belong to different parties. The Board must see that the "polls," as they are called, are opened in time, in cities usually by six o'clock in the morning and in the country by eight o'clock, and that they are kept open until four o'clock in the evening at least, and until six o'clock unless all members of the Board agree after four o'clock to close them. The clerks, beside writing their initials on the back of the ballots, keep a list of all persons voting. When the polls are opened, one of the Board announces at the door in a loud voice that the polls are open for voting; and when they are closed, that fact is also announced. As soon as the polls are closed, the election officers burn all the ballots not voted, except one kept as a sample.

#### *8. Counting Ballots—Board of Canvassers.*

As soon as the unused ballots are burned, the Board opens one of the ballot-boxes, and proceeds to count the ballots. The poll clerks each keep a record of the number of votes cast for each person; and when this record is completed, the three members of the Election Board sign the records or certificates. They then burn the ballots that have been voted, except such as there is a dispute over in the counting. The inspector takes one of these certificates and one of the judges the other; and on the following Thursday at ten o'clock in the forenoon, he meets all the other inspectors of the county at the Court-House, and they count up the result of the voting in the whole county. This is called the "Board of Canvassers." They sign a certificate showing the result, and give it to the Clerk of the Circuit Court. This officer makes out a certificate of the number of votes in the county for candidates for State officers, and sends it to the Secretary of State, where

the result of the voting in all the counties for State candidates is ascertained and declared.

*9. Going Near Voting Places—Poll-Taking.*

No one can go nearer the place of voting, unless to vote, than fifty feet. However, two persons appointed as "Election Sheriffs" may go nearer than this, for they are appointed to keep order and arrest persons violating the election laws. So each political party may appoint one challenger and one poll-book holder, and these may stand near the place of voting in order to see who is voting. If the challenger thinks any one is attempting to vote who is not entitled to vote, he may object to his vote, or "challenge" him. When this is done the person desiring to vote must swear that he is a legal voter or he cannot vote. The poll-book holder has a list of the voters made out in a book, which he examines to see if a person desiring to vote is entitled to do so. This list is made out several days before by each political party, who sends agents from house to house to find out if any voters live there, what are their names and to what political party they belong. It is the duty of every person in charge of a house or hotel or other place of residence to give these agents when requested by them, the names of all male persons residing in the house or hotel, and other facts concerning their right to vote. This is to prevent illegal voting.

## CHAPTER XXVIII.

### THE MILITIA.

#### *1. Commander-in-Chief.*

The Governor is Commander-in-Chief of the military and naval forces of the State, and may call them out to execute the laws, to suppress an insurrection, or to repel an invasion. The State does not now, however, have any naval forces. The Governor appoints and commissions all the officers of the militia. The militia is called the "Indiana National Guard."

#### *2. Divisions.*

The militia is divided into two classes,—one called the "Sedentary," and the other the "Active." Every able-bodied male person in the State who is over eighteen and under forty-five years of age, and who does not belong to the active militia, is a member of the sedentary division. By this is meant that the State may require his services if it be necessary. It is only the active militia, however, to whom reference is here made. The active militia cannot consist of more than forty-eight companies of infantry, three batteries of artillery, one signal corps, one hospital corps and one band of musicians for each regiment and one for each battalion of artillery. There is no cavalry. The number of privates in a company of infantry cannot exceed seventy-two. Besides these there is a captain, two lieutenants, five sergeants, four corporals and one company clerk. Four of these companies make a battalion and three battalions a regiment, so that a

regiment has twelve companies. As there can be only forty-eight companies, there cannot be over four regiments of infantry. A battery or artillery battalion cannot have over thirty-two privates. It has a captain and two first and one second lieutenants, besides other officers. A regiment is commanded by a Colonel, and the four regiments make a brigade, commanded by a Brigadier-General. He is the highest officer in the militia.

### *3. Where Formed—Arms—Uniforms.*

These divisions may be formed at any place where a sufficient number of citizens may desire to form a company or a battery. It is not necessary that a company should all be situated at one place or in any one city or town. Parts of a company, called "Platoons," may be situated in different places, and usually are. Arms are supplied a company by the State, but a company's officers must give a bond to the State for their return and to prevent their loss. The whole company is also liable for them if they be lost or destroyed. The State also furnishes uniforms; these belong to the State, and not to the individuals receiving them.

### *4. Encampment.*

Once a year the Brigadier-General, with the Governor's approval, may order an encampment to be held at any place in the State which he may select. When this is done all persons in the active militia are required to attend, to drill and to observe military rules and orders. The encampment cannot last more than six days. When thus assembled the State furnishes the militia with tents, bed clothing and food. Drills are held every day, and all the rules of a regular army are observed.

*5. Pay—Adjutant-General—Quartermaster-General.*

Only members of the active militia are paid, and then only for actual services rendered to the State. When in camp they are paid ; and so when ordered out to keep the peace or suppress a riot or insurrection. This is not true, however, of the Adjutant-General and the Quartermaster-General. These officers receive a yearly salary ; the former fifteen hundred dollars a year, and the latter twelve hundred. These two officers have quarters in the State-House, and are required to be in constant attendance there, to keep the records of the militia and look after its supplies.

*6. Term of Enlistment.*

Any one enlisting in the active militia must serve three years, unless he be sooner discharged. At the end of three consecutive years of service he receives an honorable discharge. If a man, however, has served three years, called a "full term," he may re-enlist for a short term of only two years. Any commissioned officer who has served for a period of five years may, on his discharge, be put on the "Retired List," and on all occasions he sees fit he may wear his uniform.

*7. Quelling Riots.*

Whenever in any place in the State any tumult, riot, mob, or any body of men acting together by force with intent to commit a crime, or offer violence to any person or property, or by force and violence to break and resist the laws of the State or of the United States ; or if any tumult, riot or mob be threatened, the Governor, on being so informed, may order out any portion of or all the militia to quell it and preserve order and peace. It is made the duty of the Mayor of the

city or the Judge of the county, when trouble arises, to inform the Governor of such riots and resistance to the law. The company or portion of the militia so ordered out must at once obey. If it is necessary, the troops, while thus under arms, may fire upon the mob if their commander order it. But in no case can the troops be ordered to fire blank cartridges; their guns must always be loaded when firing on a mob, the same as if they were in actual war.

## CHAPTER XXIX.

### TAXES.

#### *1. Necessity for Taxes.*

No government can exist without funds or monies to support it. It is not engaged in trade, or in manufacturing, or farming; and it must, therefore, have some method by which it can raise the money necessary for its support. This is not only true of the State, but of the county, township, city and town. This money is raised by taxation, and the money that the people are required to pay is called "taxes." A tax is a certain and fixed amount levied by competent authority upon property within the State, for the support of the political division levying it. The State levies one tax, the county another, the township another, the city another and the town another. The State tax must be used to support the State and its undertakings; the county tax to support the county; the township tax to support the township; the city tax to support the city, and the town tax to support the town. A county tax cannot be taken to support a township; nor a township tax to support the county, or a city or a town. One township cannot be taxed to support another; nor one county to support another county; nor one city to support another city. Each political division of the State must support itself.

#### *2. How Taxes are Levied.*

By levying a tax is meant the fixing of the amount of taxes to be paid on each one hundred dollars of property liable to be taxed. It is usually a few cents on each one hundred

dollars' worth of property. This is called a "Property Tax." Another tax is called a "Poll-Tax;" and this is a small amount levied upon male persons of full age, usually those not over fifty years old. Taxes are levied for various purposes. Thus the State now levies a tax of nine cents upon each one hundred dollars' worth of taxable property within the State, and fifty cents on each taxable poll, for the general purposes of the State. So it levies five cents on each one hundred dollars' worth for the support of the Benevolent and Reformatory Institutions; and eleven cents, and a fifty-cent poll-tax, for the support of the public schools. It also levies one-sixth of one mill on each dollars' worth of property for the support of the State University, the State Normal, and Purdue University. The Legislature has by law provided that this amount shall be levied each year. The amount is frequently changed by that body. These are all State taxes, because levied by the State for State purposes. If there was no law providing what the amount should be or authorizing some person to fix the amount, no tax could be levied. So there must be a law fixing the amount for the county, township, city and town, or some officer or officers must be authorized to fix the amount or no tax can be collected. The Board of County Commissioners fix the amount of the county tax; the township trustees, with the consent of the county commissioners, the amount of the general township tax; the Common Council the amount of the city tax; and the Board of Trustees the amount of the town tax. None of these bodies or persons can levy a tax except for the purposes specified in some law authorizing the levy. All these taxes taken together often amount to a considerable sum. Thus, if a person owns a house in a town, it may be taxed by the town, by the township in which the town is situated, by the county and by the State. So a man's horse or furniture

may be taxed in the same way; and he may also be required to pay several different poll-taxes—one to the town, another to the township, another to the county, and a fourth to the State. There are so many taxes that public officials must be careful to keep each tax as small as possible, in order to prevent them becoming too burdensome.

### *3. Must be Levied for a Public Purpose.*

Not only must there be a law authorizing the levy of a tax, but the purpose for which it is levied must be a public one. Taxes are for public purposes, not for private purposes. A tax to build a court-house or a school-house is for a public purpose. So is a tax to build a public road or highway, or pay a public officer for his services. To permit a tax to be levied on one person in order to raise a sum of money to give to another, is just the same as taking one man's property and giving it to another. Even the Legislature cannot do this, nor empower any officer to do it. It is sometimes difficult to tell whether a tax is a public or a private one. County Commissioners may pay a reward for wolf, fox or woodchuck scalps, or the head of an owl; but this is permitted because it is a benefit to the whole community to have these pests destroyed. Of course, the Commissioners have no means of raising the money thus paid out except by levying taxes. So they may pay a bounty on silk raised or produced within the county; this is to encourage a manufacturing enterprise that will also be a benefit to the whole community. They may also pay out money to support the poor, and this is eminently proper; for we ought not to permit the unfortunate to suffer or perish for want of food or clothing. So townships may vote a tax to aid in building a railroad, although the road when built will be owned by a private company, for a railroad is a

benefit to the public. But for whatever purpose a tax is levied the money thus raised must be used in a public enterprise.

#### 4. *Assessors.*

Every four years there is elected in each township an assessor called the "Township Assessor." These assessors may appoint deputies. A township assessor and his deputies each receive two dollars a day, but they cannot work more than sixty days in one year. In a township having one hundred thousand inhabitants, however, the assessor and his deputies receive three dollars a day. There is also a county assessor who receives three dollars a day, and the number of days for which he can charge varies in the different counties according to the population. In a heavily populated county, as Marion county, he receives eighteen hundred dollars a year.

#### 5. *Property Liable to be Taxed.*

The State taxes all property within its boundaries, except as stated below; a county, all property within its boundaries, with a like exception; a township, all property within its limits, and so with a city or town. A county cannot tax property in another county nor a township in another township; and so with a city or town. There is, however, certain property not taxed. Such is the case with property of the United States, property owned by any county, township, city or town; lands owned for the use of the public schools; property owned and used by any private school or college for school purposes; a building owned and used for literary, scientific or charitable purposes, and all buildings used for religious worship, including the parsonage and land on which it is situated, not exceeding ten acres in extent. Cemeteries are

exempt from taxation, so are public roads or highways, and certain lands owned by the Miami tribe of Indians.

#### 6. *Valuation of Property.*

In the tax law, lands and buildings are called "Realty" or "Real Estate;" and furniture, tools, goods, grain and the like, "Personality" or "Personal Property." Every four years the township assessor and his deputies examine every piece of real estate in their townships and appraise or fix its value. They write down in a book a description of this real estate and amount at which they have appraised it. The ground is valued at so much, and the buildings, called the "Improvements," at so much more. When they have determined their worth, they notify the landowner, and state where he can object to the appraisement or valuation. This appraisement is made in April, May and June. Every year the assessor and his deputies visit each person in the township who has personal property, and require him to give them a list of it, and to state its value. Large blanks are prepared by the State Auditor and printed by the counties for this purpose. In assessing personal property, every person must give a list of all the property he owned on the morning of April first, even though he has sold it before the assessor calls on him for the list. This method of ascertaining the value of property is called its "Assessment for Taxation," or its "Appraisement" or "Valuation." Every person when his personal property is assessed must swear to the correctness of the list and the valuation of it that he gives. If he refuses to do this, the assessor may make his own list and valuation of it, and so state to the County Auditor, who adds to it one half of the valuation made by the township assessor, by way of punishment.

*7. County Board of Review.*

After he has visited every person in his township, the assessor makes out an alphabetical list of the persons assessed with a statement of the amount with which each one is assessed. If he has assessed or valued their lands, he makes out a list of these lands. He then makes out a report to the County Auditor, taking an oath that his list is correct. For the purpose of making this list he is furnished a book by the county, called the "Assessor's Book." After all the township assessors have reported, a board is formed called the "County Board of Review," composed of the County Assessor, County Clerk, County Treasurer, and two landowners (called "Freeholders") of the county. All these reports are laid before this Board, which meets in the County Auditor's office. Notice of the time it meets is given in a newspaper of the county. If any one objects to the amount of the appraisement of his property, he may appear before the Board of Review and make his objection. So if he is assessed with property he did not own on the first day of April, he may object. The Board has full power to lower the valuation or appraisement of property; and if it thinks it is not high enough, to increase it. If it finds that any property has been omitted, it may put such property on the assessment list and appraise it. It is the duty of the County Assessor to search out such omitted property, and to ascertain if property has been properly appraised, to place this omitted property on the books for taxation, and to make corrections in valuations or appraisements. The Board of Review may also examine and see if the property in one township has been appraised, according to its value or worth, as high as in another township; and if it has not, then it may raise the appraisement of all the property in that township, so that property in the two

townships will be placed on an equality. It may equalize the valuation in all the townships of the county; and because of this fact it was formerly called, and is often now, the "Board of Equalization." The Board of Review can only serve twenty days in the year, except every fourth year, when real estate is assessed, and then only thirty days.

*8. County Auditor's Duty to Board of Review.*

Not only must the County Auditor serve as a member of the Board of Review, but he must keep full and accurate minutes of all its proceedings. After it has completed its work he must make up a list of the number of acres in each township and its assessed value, and also the assessed value of all personal property in each township. To this list he adds the number of miles of railroad track and side-track or switches within the county, and what company owns it. After having made out this list and adding a certificate to it that it is correct, he sends it to the Auditor of State.

*9. State Board of Tax Commissioners.*

When the State Auditor has received all these certificates from the county Auditors, he lays them before the "State Board of Tax Commissioners." This Board is composed of the Governor, Secretary of State, State Auditor and two persons appointed by the Governor. These two persons are usually called the "Tax Commissioners." They serve four years and receive a salary of two thousand dollars a year.\* The three State officers do not receive any extra salary for serving on this Board. This Board meets on the second Monday of July in each year, at the State Auditor's office. It has many duties to perform. It prescribes all forms of books and blanks to be used in the assessment and collection of taxes.

It instructs all officers in relation to their duties concerning taxes whenever requested by them. It must see that all assessments are made according to law, and that all taxes due the State are collected. It may examine books, papers and accounts of private persons, in order to secure information to carry out the provisions of the tax laws; and to obtain such information it may examine witnesses. It also equalizes the valuation of property among the several counties of the State; just as the County Board of Reviewers can do among the townships. If any one is not satisfied with the action of a County Board concerning the assessment of his property he may bring the matter up before the State Board and ask to have the question reviewed. This State Board also assesses all railroad, telegraph and telephone property, and the property of companies engaged in carrying freight or passengers from one county to another or through the State. It cannot sit longer than forty days in one year, except every fourth year, when it may sit five days longer. A record of the proceedings of the Board is kept and published. After the State Board has completed its work the State Auditor reports the result to each County Auditor in the State, and this report forms the valuation of the property to be assessed.

#### *10. County Auditor's Duties—Tax Duplicates.*

After he has received the certificate of changes made by the State Board of Tax Commissioners from the State Auditor, the County Auditor makes out an alphabetical list for each township of all persons assessed for taxes, and opposite each name gives a short description of his real estate, its value as appraised, the value of the improvements on it, and the value of each person's personal property. This list is written out at length in a large book. The amount of each particular tax

levied on each person's property is also stated in this book, together with his poll-tax. The several amounts each person has to pay is then added up, and divided into two nearly equal parts. These parts are called "Instalments." Books properly ruled and marked are furnished him for this purpose. He makes out two sets of these books, the one exactly like the other, and for this reason they are called "Tax Duplicates," because one is a duplicate of the other. These duplicates are made out every year, and must be delivered to the County Treasurer by the last day of December. It is impossible to pay any tax before this is done. Consequently, the tax for the year 1899 cannot be known until the year 1900. No tax can be paid until the County Treasurer receives his tax duplicate. After January first any one can pay his taxes for the preceding year. To pay his tax the taxpayer goes to the County Treasurer's office and informs the Treasurer of his intention to pay. The Treasurer makes out a receipt for the amount paid, describing the land it is paid on, the amount paid, and makes a note of the payment on the tax duplicate. The taxpayer is not compelled to pay all his taxes for any one year at one time. Thus at any time before the first Monday in May he may pay the May instalment, and then pay the November instalment at any time before the first Monday in November. But if he does not pay the May instalment before the first Monday in that month, then both it and the November instalments are at once due, and the taxpayer no longer has his option to pay only one of the instalments. The tax is then said to be "delinquent," and ten per cent. of the amount of the May instalment is added to it at once; if all the taxes are not paid by the first Monday in November then ten per cent. of the November instalment is added also; and in addition to all this six per cent. interest on the whole

amount until paid. This is to induce people to pay their taxes promptly.

*11. Delinquent Taxes—Sale of Real Estate.*

If a taxpayer permits his taxes to become delinquent, his personal property may be taken by the County Treasurer and sold to pay the taxes due both on such personal property and on his real estate. The property is sold at public auction, after notice given of the time and place of sale. It is sold to the highest bidder for cash. If the taxes cannot be made in this way, then the land on which taxes are delinquent may be sold after proper notice of the sale has been given in some newspaper of the county. This sale takes place on the second Monday of February of each year at the court-house door; and is continued from day to day until all the lands that are delinquent are offered for sale. The sale is not made to the highest bidder; but to the person who will take the least land and pay the taxes. The part thus sold is taken out of the northwest corner of the large tract, in a square form. If it is a town lot that is offered for sale, the part sold is a strip which extends from the street to the rear end of the lot. If a man has several tracts that have become delinquent, one tract may be sold to pay the taxes on all of the delinquent tracts. A record is made of these sales by the County Auditor, and a certificate of the sale given to the purchaser. The person who owns the land has two years in which he may redeem the lands from this sale, by paying to the County Treasurer the amount for which the lands sold, with a certain percentage of the amount of the sale added as a penalty. If he redeems the land during the first six months, he does not have to pay so much as he will at any time after that; nor will he have to pay as much at the end of six months as he would if

he wait a year. It is thus to his advantage to redeem his lands during the first six months after their sale. At the end of two years, if the lands are not redeemed, the purchaser gets a deed for them, given him by the County Auditor; and the original owner has thus lost his lands if all the proceedings have been properly conducted.

*12. County Treasurer's Settlement.*

Twice every year the County Treasurer and Auditor have a settlement. The Treasurer must account for all the taxes he has collected and must also state what taxes he has not collected. After each of these settlements, in June and January, the County Treasurer must pay over to the State Treasurer the State's portion of these taxes.

## CHAPTER XXX.

### I.—COURTS.

#### 1. *A Necessity.*

Courts are necessary to every civilized country. Men will commit crimes by violating the criminal laws of the State; and these the courts must try to punish. So men often differ about their contracts and what they mean, and then the courts must decide the difference between them. So when a man will not pay a debt he owes, the person to whom it is due may sue him. If a man is attempting to destroy another's property, the courts may issue an order to stop the destruction; and if one man takes another's property, the courts may issue an order to an officer to go and take it and deliver it over to the owner. So if an officer refuses to perform his duties, the courts may issue an order to compel him to perform them. Men often honestly differ as to what a statute, or law, means, and then they, by suit, obtain from the courts an opinion or decision as to its meaning. For these, and many other reasons, there must be courts to preserve order and to enforce the laws. Courts belong to the third great division of the State, called the "Judicial Department."

#### 2. *Justice of the Peace.*

A Justice of the Peace is elected by the voters of a township, and he is an officer of that township. He holds the least or lowest court known to the law. There is at least one such officer in every township, and there may be three, just as the Board of County Commissioners direct. If there be an in-

corporated town in the township, the Board must order one for this town; and if there be a city they may order two elected for the city. A Justice must always reside in the township for which he is elected; if he move out of it he vacates or abandons his office. A Justice is elected for four years at the Fall elections. He must give a bond of at least two thousand dollars. Any voter can be elected a Justice, and usually men unlearned in the law are elected. A suit for more than two hundred dollars cannot be brought before a Justice of the Peace, nor one for slander or libel or where the right to real estate is concerned. The person sued must usually live in the township, unless it be a criminal case, where the Justice lives before whom the suit is begun. The Justice has books in which he keeps a record of his proceedings, and these are called his "Dockets." He is paid by fees for the services he performs.

### *3. Constables.*

For every Justice of the Peace there is elected a "Constable." He serves four years. His duties are to obey the orders given him by a Justice, and preserve the peace in his township. If he sees a man commit a crime he may arrest him at any place within the county. So he may also arrest any man whom he suspects has committed the crime of murder or any grave or serious offense. When the Justice is holding court he must attend and preserve order in and about the court-room. He is paid fees for the services he performs.

### *4. Mayor's and City Courts.*

Every Mayor, unless it be in Evansville and Indianapolis, can and does hold a court. He can try cases that a Justice of

the Peace can try, and in addition to this can try all persons violating the ordinances of the city. He is governed by the same rules and regulations applicable to a Justice, and keeps a record, like him, of his proceedings. The City Marshal serves him as a constable. In cities of five thousand inhabitants, courts, called "City Courts," if the Common Council see fit to order the election of Judges for them, are established. They take the place of the Mayors' courts, having, however, greater powers than those courts have. In Evansville and Indianapolis are police courts, one for each of those cities, which take the place of the Mayor's and city courts; no suit, however, can be brought before these police courts except in criminal cases and for violation of city ordinances.

#### 5. *Circuit Courts.*

In every county is a court called a "Circuit Court." It has a Judge who is elected every six years. Sometimes this Judge is elected by the voters of the county in which he resides, and sometimes by the voters of two or even three counties, because two or three counties sometimes make a circuit. This Judge holds the Circuit Court for all the counties which elect him. There are now fifty-five of these circuits in the State, but the number is subject to change. He receives a salary for his services which can never be diminished during the term for which he is elected. Suits in any amount can be brought in the Circuit Court, and for any purpose permitted by law. Men who have committed any kind of an offense may be tried in this court. Whenever a person dies leaving any property it is called his "estate," and it is settled up through this court. In it all wills left by deceased persons are filed for record. The court has large books called "Order Books," in which a record is kept of all its proceed-

ings. The County Clerk must keep these records and issue all orders directed by the court. The sheriff must also attend this court to preserve order and obey the directions of the Judge.

#### *6. Superior Courts.*

In some counties, where there is too much business for the Circuit Courts the Legislature has created courts called "Superior Courts." They are superior to courts of Justices of the Peace, but not to the Circuit Courts. They cannot try criminals; and they have nothing to do with the settlement of the estates of deceased persons. In nearly all other respects they are like the Circuit Courts. Only a few counties have these Superior Courts, viz: Vanderburgh, Vigo and Allen counties have each one such court; Marion county has one but three Judges for it; Howard and Grant counties together have one, and Lake and Valparaiso counties together also have one. The Judges of these courts are elected every four years. These courts can be abolished or done away with by the Legislature; but the Circuit Courts cannot be abolished.

#### *7. Criminal Courts.*

In Marion county is a court known as the "Criminal Court," which tries nothing but persons charged with having committed crimes. The Circuit Court for this county does not try such persons, like the Circuit Courts of all the other counties do.

#### *8. Supreme Court.*

There is one Supreme Court in the State, and it holds its sessions at the city of Indianapolis. Rooms are set apart for

it and for the use of the Judges on the second floor of the State-House. It has a large court-room and a room where the judges hold secret sessions when consulting about the cases before them; this last room is called the "Consultation Room." Each Judge also has a room in which he works, and another for a bed-chamber. Besides this, the court has also a large library room in which are kept many thousands of law books for the use of the Judges and the lawyers of the State. This court has five Judges, who serve six years; and such Judges receive a yearly salary of forty-five hundred dollars. They also have a Clerk, elected every four years by the voters of the State, who keeps a record of the court's proceedings. He is called the "Clerk of the Supreme Court," and he receives a salary of five thousand dollars a year. He also has assistants paid by the State. The court also has an officer called the "Sheriff of the Supreme Court." He is appointed by the court and serves as long as it sees fit to retain him. He receives only five hundred dollars a year and a few fees. This is a court for the entire State.

#### *9. Appellate Court.*

At Indianapolis is also another court for the entire State, called the "Appellate Court." It is very much like the Supreme Court, being, however, more restricted in its powers than that court. It has five Judges, elected every four years, who receive three thousand seven hundred and fifty dollars a year. It has the same Sheriff and Clerk the Supreme Court has. It is situated on the third floor of the State-House, and has rooms similar to those of the Supreme Court. The Judges of this court also have apartments like those of the Judges of the Supreme Court.

*10. Trials in the Supreme and Appellate Courts.*

Trials are not conducted in the Supreme and Appellate Courts like they are in the Circuit and Superior Courts. There is no jury in these courts; nor are persons called and examined as witnesses. These are only courts to examine and see if the Circuit or Superior Courts have made a mistake in the trial of a case. All the proceedings in a case tried in the Circuit or Superior Court are written out at length, and certified by the Clerk of that court as correct. This is called a "transcript;" and it is filed in the Clerk's office of the Supreme or Appellate Court. Some of these transcripts or cases go to the Appellate and some to the Supreme Court. To whichever court they may go, the Judges of that court take these written statements of the proceedings and examine them to see if the lower court has made a mistake. If they find it has made a mistake they send the case back, or "reverse" it, to the court whence it came, and order the court to try it over. If they find no mistake has been made, or one that is not serious, they "affirm" the case; and that is the end of it. In cases in these courts lawyers appear and present written arguments, called "Briefs;" and they very often make "oral" arguments before the Judges. All the Judges try the case, and if they differ in opinion, then the majority controls. In every case they must write out at length their opinions, and give the reasons for their decisions. Usually only one opinion is written out in a case; but sometimes all of them write opinions. When consulting about a case the Judges retire to a room called the "Consultation Room," and no one else is allowed in this room while the Judges are there in session. When they have written out their opinions they file them with the Clerk of the court. All courts in the State are bound to follow the decisions of the Supreme Court;

but of the Appellate Court only in the particular case they are ordered, although its decisions are usually followed in other courts. These opinions are always published by an officer called the "Supreme Court Reporter," in a set of books published by the State, called "Indiana Supreme" or "Appellate Court Reports." This officer is elected every four years by the voters of the State, and receives four thousand dollars a year. The publication of these decisions is of a great benefit to the people; for by reading them they can learn what is the law, and which way the courts would decide if a like or similar case was to be tried. These decisions are also guides for the many courts of the State.

#### *11. Prosecuting Attorney.*

Every Judicial circuit in the State has an officer called the "Prosecuting Attorney." There are just as many prosecuting attorneys in the State as there are Judges of the Circuit Courts, or fifty-five. The Prosecuting Attorney is always a lawyer. He is elected every two years by the voters of the circuit in which he resides, and receives five hundred dollars a year salary and certain fees. It is his duty to prosecute all persons who have committed crimes in his circuit of which he is informed.

#### *12. Attorneys-at-Law.*

To assist the court in the trial of cases, and to bring out the facts of the transaction being investigated, is the duty of an attorney-at-law, or a "lawyer," as he is frequently called. Any person twenty-one years of age, and who is of good moral character, can become an attorney-at-law and be permitted by the court to practice law. In this State, women may become attorneys-at-law.

*13. Who may be elected Judge.*

Any voter residing in the township may be elected Justice of the Peace of his township. Any voter residing in the circuit may be elected Judge of the court of that circuit. Any voter residing in the county may be elected Judge of the Superior Court of the county, if it has one. Any voter in the State may be elected Judge of the Appellate or Supreme Court. He need not be an attorney-at-law. A woman, however, cannot be elected either a Justice of the Peace or a Judge. A person who has been elected Justice of the Peace, cannot, however, be elected to any other office, except that of a Justice of the Peace or Judge, during the time for which he was elected, whether he has resigned his office as Justice or not. So the same is true of a person elected Judge of a court. During the time for which he was elected, he may be elected Judge of another court, even though he has not yet resigned, but he cannot be elected to any other kind of an office.

II.

*14. Legal Terms or Names.*

There are certain legal terms or names that are so frequently used in the law that every person should know their meaning, and have some definite notion what is meant when he sees or hears them used. Some of these are described below.

*15. Complaint—Plaintiff—Defendant.*

Whenever one person owes another and will not pay; or when he or his property has been injured by another, such person may, in writing, state to a court that fact and ask that he be given a judgment for the recovery of the indebtedness

or for the damage caused by the injury. This statement he makes in writing, and this writing is called a "Complaint." Sometimes a complaint is very short, and at other times very long, all depending on the statement of facts contained in it. The person thus complaining is called the "Plaintiff," and the person of whom he complains is called the "Defendant." The plaintiff files or leaves his complaint with a Justice of the Peace or Clerk of the Court, as the case may be. Sometimes the complaint is divided up into sections, called "Paragraphs," and each of them numbered.

#### *16. Summons.*

It would be manifestly unfair if a plaintiff could go on and try the case without giving the defendant notice of the trial. So when the complaint is filed before the Justice, or before the Clerk, as the case may be, the Justice on the one hand and the Clerk on the other, writes out a notice, informing the defendant of the filing of the complaint, the amount the plaintiff claims is due him or he has been damaged, and stating the time the case is set for trial. This notice he signs, and if signed by the Clerk he sets opposite his signature or name the seal of the court. This written notice is called a "Summons." The Justice gives his summons to a constable, and the Clerk his to the sheriff of the county. The constable or the sheriff, as the case may be, takes the summons and reads it to the person sued—the defendant—and if he cannot find him, leaves a copy at his residence. On the back of the summons he then writes out what he has done and when he did it, and signs the statement. This is called the officer's "Return." The act of reading the summons or leaving a copy of it at the residence is called the "Service of a Summons."

*17. Demurrer.*

The defendant must appear in court by the time the case is set for trial, as named in the summons; and he may then say in effect: "It may be all true what the plaintiff says in his complaint, but still I do not think he has made such a statement as shows I owe him anything, or that I am liable for the injury he has sustained." This is put in writing, and is called a "Demurrer." If the Judge of the court thinks differently he says so, in effect, and makes a record of his action. This is called "Overruling the Demurrer." But if he thinks the defendant is right, he, in effect, says so. This is called "Sustaining the Demurrer." If the demurrer is sustained the plaintiff may file a new complaint; and if he does not do this, there is an end of the case. The defendant, however, is not bound to file a demurrer, and often does not.

*18. Answer.*

If the court overrules the demurrer, or if one has not been filed, the defendant must then state his defense, if he has one. This statement he puts in writing and files with the court; and it is called an "Answer." This answer may and usually does have several paragraphs, for the defendant may have more than one defense to the complaint, and if he does he must state them in different paragraphs. Just as the defendant has said of the complaint, so the plaintiff may say of the answer, that it does not contain a sufficient statement of facts to make a defense. This is done by a demurrer to the answer, very much like a demurrer to the complaint. If the court thinks the answer is not sufficient, the defendant must then file a new one.

*19. Reply.*

It very often happens that the defendant has not stated all the facts about his defense; and when this is true, the plaintiff may state them in a writing called a "Reply." The defendant may file a demurrer to this just as well as to the complaint. If the demurrer be sustained, the plaintiff may file a new reply; if it be overruled, then it remains. This is the end of filing these kinds of papers.

*20. Pleadings.*

This complaint, answer, reply and these demurrers are called "Pleadings." Often you will hear people say that a lawyer is "pleading" before the court or jury, when they should say he is making an "argument" before the court or jury. The word "pleading" always refers to the written papers in a case; and never to the arguments or addresses the lawyer makes or delivers before either the court or jury.

*21. Indictment—Information—Affidavit.*

Whenever the State complains of an individual, and charges him with having committed an offense, the instrument in which this charge is made is called an "Indictment." This indictment is drawn up by the grand jury; and it is the State's complaint. Sometimes the State's complaint is only a statement sworn to by some person who knows the facts stated in it; and when this is true it is called an "Information" if filed in the Circuit or Criminal Court, and if in the Police or Mayor's Court or before a justice of the peace, an "Affidavit."

*22. Warrant.*

Whenever an indictment, information or affidavit is filed

with the judge of the court, an order for the arrest of the defendant or person charged with the crime is issued at once. This is called a "Warrant." When the affidavit is filed before a Justice of the Peace, or before the Police Judge or Mayor, that officer issues the warrant; if filed in the Circuit or Criminal Court, or if it is an indictment on information, the judge of the court orders the clerk of the court to issue the warrant. A constable receives the warrant issued by a justice; and usually the city marshal the one issued by the Police Judge or Mayor; but the sheriff receives the one issued by the clerk of the court. This warrant is an order to the officer to arrest at once the person named in it; and this he must forthwith do, and bring him before the court issuing the warrant for its disposal of him.

### 23. *Subpœna—Witness—Testimony.*

In the trial of a case there must be witnesses; but persons would not always come into court and testify if they were only requested to do so. So upon request the court will issue an order commanding the persons named in it to come into the court on a day and hour named to testify. This order is called a "Subpœna;" and it is served upon the persons named in it the same as a summons. The persons thus ordered to appear are called "Witnesses." Their statements under oath made in court is called "Testimony," and sometimes "Evidence."

### 24. *Verdict.*

Whenever a jury tries a case they state their conclusions, as shown by the evidence, in writing, signed by one of their number, called the "Foreman." This writing is called a "Verdict." It usually only consists of a few words, stating

whether they think the plaintiff or defendant ought to win the case or suit. If it is in favor of the plaintiff, it usually states how much he is entitled to receive from the defendant. The following are short forms, without the foreman's signature: "We, the jury, find for the plaintiff, and assess his damages at one hundred dollars;" or, "We, the jury, find for the defendant."

#### 25. *New Trial.*

If the person who is defeated at the trial of the case is not satisfied with the result, he may ask the Judge of the court to give him another or "new trial." If the Judge thinks he ought not to have it, he says so, or "overrules" the motion, as it is called; but if he thinks he ought to have it, he "sustains" the motion, and gives him a new trial. Then the case is tried again, just as if no trial had ever taken place.

#### 26. *Judgment—Decree.*

If no new trial be given, the court then enters an order that the defendant is indebted to the plaintiff for so much money. Or, if the suit is to prevent the defendant from doing some injury to the plaintiff's property, the order is that he be prohibited from doing it. These orders are of many kinds, and they are called "Judgments," and sometimes "Decrees." They are entered in the order-book of the court, or, if the suit is before the Mayor or a Justice, in his "docket," which is the book in which he keeps a record of his proceedings. If the court forbid the defendant doing some act, and he then does it, he will be liable to be punished by the court; and the court will in all likelihood do so.

*27. Execution.*

When the judgment has been entered in the proper book and signed by the Judge or Justice, and it is to the effect that the defendant owes the plaintiff a certain sum of money, the defendant may be compelled to pay the money, by an order issued by the Clerk of the court to the sheriff, or by the Justice to a constable, commanding him to collect the amount of money from the defendant. This is called an "Execution." If the defendant will not pay the amount named in the execution, the sheriff or constable may then seize his property, if he have any, and sell enough of it at public auction to pay the judgment.

*28. Costs.*

In the trial of every case, there are necessarily expenses to be paid. The Clerk of the court or the Justice has his fees for services rendered or duties performed ; and so has the sheriff and constable. Then the witnesses must be paid and so on. The person who loses the case must pay all the costs made in such case ; and these may be collected of him by an execution, called a "fee bill." Sometimes the costs are more than the amount in dispute.

*29. Jury.*

A jury is a body of men selected to try a case. Women cannot serve on the jury. There are always twelve of these men ; but in civil cases there may be a less number, not, however, less than three. The jury hear the witnesses and hear the argument of the attorneys ; and then the court tells them what the law is as applicable to the facts proven by the evidence. After this the members of the jury retire to a room by themselves and decide what shall be their verdict.

If they cannot agree, after having discussed the evidence, they so inform the Judge ; and he, if satisfied they will not agree, discharges them, and the case must then be tried over, just as if a new trial had been granted. If there is no jury, the court makes the verdict, only it is called the court's "Finding." There are juries in trials before Justices of the Peace, each usually having only six members ; unless it be in criminal cases when there must be twelve. A member of a jury is called a "Juror." He receives two dollars a day for his services ; but before a Justice of the peace, only one dollar a day. The jurors always name one of their number as "Foreman," who alone signs the verdict.

### 30. *Grand Jury.*

There is another jury, called a "Grand Jury," that belongs only to the Circuit or a Criminal Court. In early times it had twenty-three members ; and the word "grand" was used to distinguish it from the other jury, which lawyers sometimes called the "petit" (*petty*) jury. In this State now, the grand jury has only six members. It is its duty to investigate and see if any person has committed a crime in the county ; and if he has, to draw up an indictment stating what the crime is and when committed. Upon this indictment or charge, the accused is tried. The jurors receive two dollars a day. This jury also has a Foreman, who writes his name on the back of each indictment under the words "A true Bill." This is to show that the jury approves the indictment.

## CHAPTER XXXI.

### MISCELLANEOUS.

#### *1. Soldiers' State Monument.*

At the City of Indianapolis, in the center of what was formerly called "Governor's Circle," or "Circle Park," now called "Monument Place," is situated a noble monument, built by a grateful State, to perpetuate the memory and deeds of valor of the Soldiers and Sailors of this State, who went to the defense of our country when it was assailed by foes. There is no more beautiful monument of this size in the world; and it is a lasting pride to the people of the State. The total height of this beautiful structure is 284 feet and six inches above the street level. The foundation extends thirty feet below the surface of the ground. A statue of "Victory" made of bronze, grasping a sword, thirty-eight feet in height crowns this monument. Groups, carved in stone, representing "Peace" and "War," are on the east and west sides. Above these groups are bronze ornaments, called "Astragals," encircling the shaft, emblematic of the Army and Navy. On the east and west sides are beautiful cascades. An elevator in the monument carries persons to the foot of the statue. This elevator and the cascades are run by means of machinery in the basement of the monument.

On the south face or side of the monument are chiseled these words:

## TO INDIANA'S SILENT VICTORS:

*War for the Union:*

1861-1865.

Indiana Volunteers.

126 Regiments Infantry . . . . .	175,772
13 Regiments Cavalry . . . . .	21,605
1 Regiment Artillery . . . . .	3,839
26 Companies Artillery . . . . .	7,151
Navy . . . . .	2,130
Total . . . . .	210,497

Killed and Died, Land Forces.

24,415.

On the north side is this inscription:

TO INDIANA'S SILENT VICTORS:

*War With Mexico:*

1846-1847-1848.

Indiana Regiments, Nos. 1, 2, 3, 4, 5.

4,585 men.

*Indian and British War:*

1811-1812.

*Battle of Tippecanoe:*

Indians Defeated, November 7, 1811.

*War of the Revolution:*

Capture of Vincennes from the British,

February 25, 1779.

The construction of this monument was authorized by a law of 1887; and ten years have been consumed in completing it. The State has given over \$300,000 for it; and the Grand Army of the Republic over \$21,000. It is controlled by a "Board of Regents," having three members, one of whom is its President and Superintendent. The President receives fifteen hundred dollars a year for his services; but the other two members serve without compensation.

## *2. Board of Medical Registration.*

The Governor appoints five persons who constitute the "State Board of Medical Registration and Examination." This Board grants certificates which entitles the holders to practice medicine in this State. They hold their offices four years.

## *3. State Board of Dentistry Examiners.*

This Board consists of five reputable practicing dentists, one appointed by the Governor, one by the State Board of Health, and three by the Indiana State Dental Association every two years. They grant licenses to applicants to practice dentistry.

## *4. Labor Commissioners.*

Every two years the Governor appoints two persons who compose the Labor Commission. The Senate must approve these appointments. One of these persons represents the interest of labor, the other the interest of capital. In case of labor controversies, it is their duty to bring about an understanding among and an agreement between those persons disagreeing so as to prevent any further difficulties. If they fail in this, they must endeavor to induce such persons to submit to them their differences for arbitration. If such persons

agree to this, then the Judge of the Circuit Court of the county in which the controversy arises, becomes one of the arbitrators.

*5. Factory Inspector.*

Every two years the Governor appoints a factory inspector, at a salary of fifteen hundred dollars a year. He must see that the laws with respect to the employment of children and women in manufacturing establishments are enforced. He also has the right to inspect factories, and see that they are constructed according to law.

*6. State Board of Agriculture.*

The State Board of Agriculture is composed of sixteen members, who select their own successors. It has quarters in the State-House—one room set aside to it being called the "Agricultural Room." It is a private association, but notwithstanding this fact, it receives the large sum of ten thousand dollars a year from the State. Once a year it holds a State Fair in its beautiful grounds, north of the City of Indianapolis.

*7. Congressional Surveys.*

Before ever Indiana became a State, Congress provided a method for surveying all the Northwest Territory. It was by this means that our counties were kept with square corners and lines running due north and south, and east and west. In the older States, where this method was not pursued, the counties are very irregular in shape; this is especially true of Kentucky. So the farms in those States are very irregular in shape, not with straight lines and square corners as they are in this State. In 1785 Congress provided that a line should

be run through where Ohio, Indiana and Illinois now are. This is called a "Base Line." It is, however, a disjointed line, not all of it being the same distance from the north boundary line of the State, although all parts of it run due east and west. Part of Indiana lies south and part north of this base line. Congress also provided that lines should be run north and south, crossing this base line. One of these lines now runs due north and through the center of this State. It is called a "Principal Meridian Line;" and it cuts the State into nearly two equal halves. The State was then divided into squares, each six miles square, by running lines parallel with the principal meridian line, north and south every six miles, called "Range Lines;" and also by running lines east and west every six miles, parallel with the base line, called "Township Lines." The effect of this surveying was to make these squares, called "Townships," and which are known, as we have seen in the chapters on counties and education, as "Congressional Townships." The townships are numbered north and south from this base line; and the "ranges" east and west from the principal meridian line, in this manner:

				P.					
				4					
	A			3					
				2					
				1					
B.	IV	III	II	I	I	II	III	IV	L
				1					
				2					
				3				B	
				4					
				M.					

P. M. is the Principal Meridian Line. B. L. is the Base Line. The figures are the township numbers; and the Roman letters are the ranges. Thus the township in which is the letter "A" is township number three north, and range three west; and the one marked "B" is township number three south, and range four east.

After having surveyed these township lines, a township was taken and surveyed into thirty-six squares, called "sections." Each side of a section is a mile long; it contains a square mile of land. These sections are numbered by beginning at the northeast corner of the township, and calling the section found there number "one," in this manner:

6	5	4	3	2	1
7	8	9	10	11	12
18	17	School 16 Section.	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

After a township has been cut up into sections, each section can then be cut up into quarters, eighths, sixteenths and

even into smaller parts. Each section has 640 acres, and is divided up, frequently, in this manner:

N. W. $\frac{1}{4}$ . 160 acres.	N. E. $\frac{1}{4}$ . 160 acres.		
S. W. $\frac{1}{4}$ . 160 acres.	W. $\frac{1}{2}$ of S. E. $\frac{1}{4}$ . 80 acres.	N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ . 40 acres	
		W. $\frac{1}{2}$ of S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ . 20 acres.	N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ . 10 acres.
			10 acres.

In describing lands, letters and fractional numbers are often used, besides other abbreviations. Surveyors often do this; and this method is used by County Auditors in making up the tax duplicates, and by County Treasurers in giving tax receipts. Suppose the land you thus desire to divide lay in a township that was ten townships north of the Base Line, and four townships east the Principal Meridian Line.

It would then be called township number "ten north," and "range four east;" but a surveyor would abbreviate these words for brevity and convenience, thus: T. 10 N. R. 4 E. With this description any one could find the township. If the land you desired to describe was the Northeast quarter of section Sixteen, the abbreviation would be N. E.  $\frac{1}{4}$  S. 16. So that the whole description would be N. E.  $\frac{1}{4}$  S. 16. T. 10 N. R. 4 E., which would read "the northeast quarter of section 16, in Township 10 North, Range 4 East." Usually the name of the county is added, for convenience, in which the land lies, although this is not necessary. The smallest division in the last diagram can be described by abbreviations in this way: "N. E.  $\frac{1}{4}$  S. E.  $\frac{1}{4}$  S. E.  $\frac{1}{4}$  S. 16 T. 10 N. R 4 E.," 10 acres. The corners of the sections are always marked by stones, called "Corner Stones," and it is a crime to move one of these stones, unless it be done by the county surveyor when making an official survey, and then only to put it in the proper place. The corner of each quarter section is also marked by corner stones, and also frequently the halves. Lands around Jeffersonville known as "Clark's Grant," and around Vincennes, known as "The French Grant," are not surveyed in this way. "Clark's Grant" was given to the men who captured Vincennes by the State of Virginia, and was surveyed under an early law of that State. "The French Grant" was surveyed under laws of France before the year 1763.

# APPENDIX A.

## CONSTITUTION OF STATE OF INDIANA.

1851.

ART.

1. *Bill of Rights.*
2. *Suffrage and Elections.*
3. *Distribution of Powers.*
4. *Legislative.*
5. *Executive.*
6. *Administrative.*
7. *Judicial.*
8. *Education.*

ART.

9. *State Institutions.*
10. *Finance.*
11. *Corporations.*
12. *Militia*
13. *Municipal debt.*
14. *Boundaries.*
15. *Miscellaneous.*
16. *Amendments.*

*Schedule.*

To the end that justice be established, public order maintained, and liberty perpetuated, we, the people of the State of Indiana, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this CONSTITUTION.

## ARTICLE 1—BILL OF RIGHTS.

## SEC.

1. Natural rights.
2. Right to worship.
3. Freedom of thought.
4. No preference to any creed.
5. No religious test.
6. No money for religious institutions.
7. Competency of witness.
8. Oath, how administered.
9. Free speech and writing.
10. The truth in libel.
11. Unreasonable search or seizure.
12. Courts shall be open.
13. Rights of accused.
14. No person twice in jeopardy.
15. Unnecessary rigor prohibited.
16. Excessive bail and punishment prohibited.
17. Offenses bailable.
18. Reformation the basis of Penal Code.
19. Jury in criminal cases determines law and fact.

## SEC.

20. Trial by jury inviolate in civil cases.
21. Compensation for services.
22. Exemption—No imprisonment for debt.
23. Privileges equal.
24. No *ex post facto* law.
25. Taking effect of laws.
26. Suspension of laws.
27. Suspension of *habeas corpus*.
28. Treason.
29. Proof in treason.
30. Effect of conviction.
31. Right to assemble, to instruct, and to petition.
32. Right to bear arms.
33. Military subject to civil power.
34. Restrictions upon soldiers.
35. No titles of nobility.
36. Emigration free.
37. Slavery prohibited.

[1852, p. 3. In force November 1, 1851.]

**1. Natural rights.** We declare that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness; that all power is inherent in the people: and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the people have, at all times, an indefeasible right to alter and reform their government.

**2. Right to worship.** All men shall be secured in their natural right to worship Almighty God according to the dictates of their own consciences.

**3. Freedom of thought.** No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions or interfere with the rights of conscience.

**4. No preference to any creed.** No preference shall be given, by law, to any creed, religious society, or mode of worship; and no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent.

5. **No religious test.** No religious test shall be required as a qualification for any office of trust or profit.

6. **No money for religious institutions.** No money shall be drawn from the treasury for the benefit of any religious or theological institution.

7. **Competency of witness.** No person shall be rendered incompetent as a witness in consequence of his opinions on matters of religion.

8. **Oath, how administered.** The mode of administering an oath or affirmation shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath or affirmation may be administered.

9. **Free speech and writing.** No law shall be passed restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever; but for the abuse of that right every person shall be responsible.

10. **The truth in libel.** In all prosecutions for libel, the truth of the matters alleged to be libelous may be given in justification.

11. **Unreasonable search or seizure.** The right of the people to be secure, in their persons, houses, papers, and effects, against unreasonable search or seizure shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

12. **Courts shall be open.** All courts shall be open; and every man, for injury done to him in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay.

13. **Rights of accused.** In all criminal prosecutions the accused shall have the right to a public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; and to have compulsory process for obtaining witnesses in his favor.

14. **No person twice in jeopardy.** No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.

15. **Unnecessary rigor prohibited.** No person arrested, or confined in jail, shall be treated with unnecessary rigor.

16. **Excessive bail and punishment prohibited.** Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishment shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

17. **Offenses bailable.** Offenses, other than murder and treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident or the presumption strong.

18. **Reformation the basis of Penal Code.** The Penal Code shall be founded on the principles of reformation and not of vindictive justice.

19. **Jury in criminal cases determines law and fact.** In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

20. **Trial by jury inviolate in civil cases.** In all civil cases the right of trial by jury shall remain inviolate.

21. **Compensation for services.** No man's particular services shall be demanded without just compensation. No man's property shall be taken by law without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

22. **Exemption—No imprisonment for debt.** The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.

23. **Privileges equal.** The general assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

24. **No ex post facto law.** No *ex post facto* law, or law impairing the obligation of contracts, shall be passed.

25. **Taking effect of laws.** No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

26. **Suspension of laws.** The operation of the laws shall never be suspended, except by authority of the General Assembly.

27. **Suspension of habeas corpus.** The privileges of the writ of *habeas corpus* shall not be suspended, except in case of rebellion or invasion, and then only if the public safety demand it.

28. **Treason.** Treason against the State shall consist only in levying war against it, and in giving aid and comfort to its enemies.

29. **Proof in treason.** No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

30. **Effect of conviction.** No conviction shall work corruption of blood or forfeiture of estate.

31. **Right to assemble, to instruct, and to petition.** No law shall restrain any of the inhabitants of the State from assembling together, in a peaceable manner, to consult for their common good; nor from instructing their Representatives; nor from applying to the General Assembly for redress of grievances.

32. **Right to bear arms.** The people shall have a right to bear arms for the defense of themselves and the State.

33. **Military subject to civil power.** The military shall be kept in strict subordination to the civil power.

34. **Restrictions upon soldiers.** No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

35. **No titles of nobility.** The General Assembly shall not grant any title of nobility nor confer hereditary distinctions.

36. **Emigration free.** Emigration from the State shall not be prohibited.

37. **Slavery prohibited.** There shall be neither slavery nor involuntary servitude within the State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted. No indenture of any negro or mulatto, made and executed out of the bounds of the State, shall be valid within the State.

## ARTICLE 2—SUFFRAGE AND ELECTIONS.

SEC.

- 38. Elections free.
- 39. Qualifications of electors.
- 40. Soldiers—Seamen—Marines
- 41. Residence.
- 42. Bribery a disqualification for office.
- 43. Challenge to duel.
- 44. Disfranchisement.

SEC.

- 45. Effect of holding lucrative offices.
- 46. Defaulters not eligible.
- 47. *Pro tempore* appointments.
- 48. Electors free from arrest.
- 49. Method of election.
- 50. Time of elections.

[1852, p. 3. In force November 1, 1851.]

38. **Elections free.** All elections shall be free and equal.

[1881, p. 29. In force March 14, 1881.]

39. **Qualifications of electors.** In all elections not otherwise provided for by this Constitution, every male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days, immediately preceding such election, and every male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months, and in the township sixty days, and in the ward or precinct thirty days, immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the Laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside, if he shall have been duly registered according to law. [As amended March 14, 1881.]

[1852, p. 3. In force November 1, 1851.]

40. **Soldiers—Seamen—Marines.** No soldier, seaman, or marine, in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote.

41. **Residence.** No person shall be deemed to have lost his residence by reason of his absence, either on business of this State or of the United States.

[An old section, known as No. 5, was abrogated March 14, 1881. It was as follows: "No negro or mulatto shall have the right of suffrage."]

42. **Bribery a disqualification for office.** Every person shall be disqualified for holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat or reward to secure his election.

43. **Challenge to duel.** Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

44. **Disfranchisement.** The General Assembly have the power to deprive of the right of suffrage, and to render ineligible, any person convicted of an infamous crime.

45. **Effect of holding lucrative offices.** No person holding a lucrative office or appointment under the United States, or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as by this Constitution expressly permitted: *Provided*, That officers in the militia to which there is attached no annual salary, and the office of Deputy Postmaster, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative; *And Provided, also*, That counties containing less than one thousand polls may confer the office of Clerk, Recorder and Auditor, or any two of said offices, upon the same person.

46. **Defaulters not eligible.** No person who may hereafter be a collector or holder of public moneys shall be eligible to any office of trust or profit until he shall have accounted for and paid over, according to law, all sums for which he may be liable.

47. **Pro tempore appointments.** In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment *pro tempore* shall not reckoned a part of that term.

48. **Electors free from arrest.** In all cases, except treason, felony and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same.

49. **Method of election.** All elections by the people shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be *viva voce*.

[1881, p. 29. In force March 14, 1881.]

**50. Time of elections.** All general elections shall be held on the first Tuesday after the first Monday in November; but township elections may be held at such time as may be provided by law: *Provided*, That the general Assembly may provide by law for the election of all Judges of Courts of general and appellate jurisdiction by an election to be held for such officers only, at which time no other officers shall be voted for; and shall also provide for the registration of all persons entitled to vote. [As amended March 14, 1881.]

### ARTICLE 3—DISTRIBUTION OF POWERS.

[1852, p. 8. In force November 1, 1851.]

**51. Three Departments.** The powers of the Government are divided into three separate departments; the Legislative, the Executive, including the Administrative, and the Judicial, and no person charged with official duties under one of these departments shall exercise any of the functions of another, except as in this Constitution expressly provided.

### ARTICLE 4—LEGISLATIVE.

SEC.

- 52. The General Assembly.
- 53. Number.
- 54. Term of office.
- 55. Periodical enumeration.
- 56. Apportionment of representation.
- 57. Districts.
- 58. Qualifications.
- 59. Privilege from arrest.
- 60. Sessions.
- 61. Officers—Adjournment.
- 62. Quorum.
- 63. Journal.
- 64. Doors to be open
- 65. Disorderly behavior punished.
- 66. Imprisonment for contempt.

SEC.

- 67. Powers of each House.
- 68. Bills.
- 69. Reading and vote.
- 70. Subject-matter and title.
- 71. Plain wording.
- 72. Acts, how amended.
- 73. Local laws forbidden.
- 74. Laws must be general.
- 75. Suits against the State.
- 76. Passage of bills.
- 77. Protest and entry.
- 78. Public laws.
- 79. Publication of statutes.
- 80. Pay of members.
- 81. Members ineligible to certain offices.

[1852, p. 8. In force November 1, 1851.]

**52. The General Assembly.** The legislative authority of the State shall be vested in the General Assembly, which shall consist of a Senate and a House of Representatives. The style of every law

shall be: "Be it enacted by the General Assembly of the State of Indiana": and no law shall be enacted except by bill.

53. **Number.** The Senate shall not exceed fifty nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts into which the State may, from time to time, be divided.

54. **Term of office.** Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their general election: *Provided, however,* That the Senators elect at the second meeting of the General Assembly under this Constitution shall be divided, by lot, into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and of those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially, forever thereafter. And in case of increase in the number of Senators, they shall be so annexed, by lot, to one or the other of the two classes, as to keep them as nearly equal as practicable.

[1881, p. 29. In force March 14, 1881.]

55. **Periodical enumeration.** The General Assembly shall, at its second session after the adoption of this Constitution, and every six years thereafter, cause an enumeration to be made of all the male inhabitants over the age of twenty-one years.

56. **Apportionment of representation.** The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of male inhabitants above twenty-one years of age in each: *Provided,* That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly before the adoption of this Constitution. [The word "white" was stricken out from before the words "male inhabitants" in sections 4 and 5 (sections 55 and 56), by amendment of March 14, 1881.]

[1852, p. 3. In force November 1, 1851.]

57. **Districts.** A Senatorial or Representative district where more than one county shall constitute a district, shall be composed

of contiguous counties ; and no county, for Senatorial apportionment, shall ever be divided.

58. **Qualifications.** No person shall be a Senator or a Representative, who, at the time of his election, is not a citizen of the United States ; nor any one who has not been, for two years next preceding his election, an inhabitant of this State, and for one year next preceding his election an inhabitant of the county or district whence he may be chosen. Senators shall be at least twenty-five and Representatives at least twenty-one years of age.

59. **Privilege from arrest.** Senators and Representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same ; and shall not be subject to any civil process during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either House, a member shall not be questioned in any other place.

60. **Sessions.** The sessions of the General Assembly shall be held biennially at the capital of the State, commencing on the Thursday next after the first Monday of January, in the year one thousand eight hundred and fifty-three, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may, at any time, by proclamation, call a special session.

61. **Officers--Adjournment.** Each House, when assembled, shall choose its own officers (the President of the Senate excepted), judge the elections, qualifications, and returns of its own members, determine its rules of proceeding, and sit upon its own adjournment. But neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be sitting.

62. **Quorum.** Two-thirds of each House shall constitute a quorum to do business ; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so

failing shall be entitled to no compensation, from the end of the said five days, until an organization shall have been effected.

63. **Journal.** Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays, on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal: *Provided*, That on a motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

64. **Doors to be open.** The doors of each House and of committees of the whole shall be kept open, except in such cases as, in the opinion of either House, may require secrecy.

65. **Disorderly behavior punished.** Either House may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

66. **Imprisonment for contempt.** Either house, during its session, may punish, by imprisonment, any person not a member who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior, in its presence; but such imprisonment shall not, at any time, exceed twenty-four hours.

67. **Powers of each House.** Each House shall have all powers necessary for a branch of the Legislative Department of a free and independent State.

68. **Bills.** Bills may originate in either House, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

69. **Reading and vote.** Every bill shall be read, by sections, on three several days, in each House; unless, in case of emergency, two-thirds of the House where such bill may be pending, shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall, in no case, be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

70. **Subject-matter and title.** Every Act shall embrace but one subject and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an Act which shall not be expressed in the title, such Act

shall be void only as to so much thereof as shall not be expressed in the title.

**71. Plain wording.** Every Act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

**72. Acts, how amended.** No Act shall ever be revised or amended by mere reference to its title; but the Act revised or section amended shall be set forth and published at full length.

**73. Local laws forbidden.** The General Assembly shall not pass any local or special laws in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of justices of the peace and of constables;

For the punishment of crimes and misdemeanors;

Regulating the practice in courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

For laying out, opening, and working on, highways, and for the election or appointment of supervisors;

Vacating roads, town plats, streets, alleys, and public squares;

Summoning and impaneling grand and petit juries, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers, and their compensation;

For the assessment and collection of taxes for State, county, township, or road purposes;

Providing for supporting common schools and for the preservation of school funds;

In relation to fees or salaries; except that the laws may be so made as to grade the compensation of officers in proportion to the population and necessary services required; [As amended March 14, 1881.]

In relation to interest on money;

Providing for opening and conducting elections of State, county or township officers, and designating the places of voting;

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.

**74. Laws must be general.** In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State.

**75. Suits against the State.** Provision may be made, by general law, for bringing suit against the State, as to all liabilities originating after the adoption of this Constitution; but no special Act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

**76. Passage of bills.** A majority of all the members elected to each House shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed shall be signed by the presiding officers of the respective houses.

**77. Protest and entry.** Any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal.

**78. Public Laws.** Every statute shall be a public law, unless otherwise declared in the statute itself.

**79. Publication of Statutes.** No Act shall take effect until the same shall have been published and circulated in the several counties of the State by authority, except in cases of emergency; which emergency shall be declared in the preamble or in the body of the law.

**80. Pay of members.** The members of the General Assembly shall receive for their services a compensation to be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made. No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days, nor any special session beyond the term of forty days.

**81. Members ineligible to certain offices.** No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election of which is vested in

the General Assembly ; nor shall be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such term ; but this latter provision shall not be construed to apply to any office elective by the people.

## ARTICLE 5—EXECUTIVE.

## SEC.

- 82. Governor.
- 83. Lieutenant-Governor.
- 84. Election.
- 85. Manner of voting.
- 86. Plurality elects.
- 87. Contests.
- 88. Qualifications.
- 89. Persons ineligible.
- 90. Term of office.
- 91. Vacancies.
- 92. President *pro tempore* of the Senate.
- 93. Governor—Commander-in-Chief.

## SEC.

- 94. Messages.
- 95. Bills signed or vetoed.
- 96. Information from officers.
- 97. Execution of laws.
- 98. Pardons and reprieves.
- 99. He may fill vacancies.
- 100. Writs of election to Assembly.
- 101. May change place of meeting.
- 102. Duties of Lieutenant-Governor.
- 103. Pay of Governor.
- 104. Pay of Lieutenant-Governor.
- 105. Their ineligibility to office.

[1852, p. 3. In force November 1, 1851.]

**82. Governor.** The executive powers of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than four years in any period of eight years.

**83. Lieutenant-Governor.** There shall be a Lieutenant-Governor, who shall hold his office during four years.

**84. Election.** The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the General Assembly.

**85. Manner of Voting.** In voting for Governor and Lieutenant-Governor, the electors shall designate for whom they vote as Governor and for whom as Lieutenant-Governor. The returns of every election for Governor and Lieutenant-Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

**86. Plurality elects.** The persons, respectively, having the highest number of votes for Governor and Lieutenant-Governor shall

be elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant-Governor, as the case may be.

**87. Contests.** Contested elections for Governor or Lieutenant-Governor shall be determined by the General Assembly, in such manner as may be prescribed by law.

**88. Qualifications.** No person shall be eligible to the office of Governor or Lieutenant-Governor who shall not have been five years a citizen of the United States, and also a resident of the State of Indiana during the five years next preceding his election; nor shall any person be eligible to either of the said offices who shall not have attained the age of thirty years.

**89. Persons ineligible.** No Member of Congress, or person holding any office under the United States or under this State, shall fill the office of Governor or Lieutenant-Governor.

**90. Term of office.** The official term of the Governor and Lieutenant-Governor shall commence on the second Monday of January, in the year one thousand eight hundred and fifty-three; and on the same day every fourth year thereafter.

**91. Vacancies.** In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the Lieutenant-Governor; and the General Assembly shall, by law, provide for the case of removal from office, death, resignation, or inability, both of the Governor and Lieutenant Governor, declaring what officer shall then act as Governor; and such officer shall act accordingly, until the disability be removed, or a Governor be elected.

**92. President pro tem. of Senate.** Whenever the Lieutenant-Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

**93. Governor, Commander-in-Chief.** The Governor shall be Commander-in-Chief of the military and naval forces, and may call out such forces to execute the laws, or to suppress insurrection, or to repel invasion.

94. **Messages.** He shall, from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

95. **Bills signed or vetoed.** Every bill which shall have passed the General Assembly shall be presented to the Governor; if he approve, he shall sign it, but if not he shall return it, with his objections, to the House in which it shall have originated, which House shall enter the objections, at large, upon its journals, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered; and if approved by a majority of all the members elected to that House, it shall be a law. If any bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor, within five days next after such adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the General Assembly at its next session, in like manner as if it had been returned by the Governor. But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly.

96. **Information from officers.** The Governor shall transact all necessary business with the officers of Government, and may require information, in writing, from the officers of the Administrative Department, upon any subject relating to the duties of their respective offices.

97. **Execution of laws.** He shall take care that the laws be faithfully executed.

98. **Pardons and reprieves.** He shall have the power to grant reprieves, commutations and pardons, after convictions, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall have been reported to the General Assembly at its next meeting; when the General Assembly shall either grant a

pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made and the several amounts remitted: *Provided, however,* That the General Assembly may, by law, constitute a council, to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, in any case except such as may, by law, be left to his sole power.

99. **He may fill vacancies.** When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly; or when at any time, a vacancy shall have occurred in any other State office, or in the office of Judge of any Court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

100. **Writs of election to Assembly.** He shall issue writs of election to fill such vacancies as may have occurred in the General Assembly.

101. **May change place of meeting.** Should the seat of government become dangerous from disease or a common enemy, he may convene the General Assembly at any other place.

102. **Duties of Lieutenant-Governor.** The Lieutenant-Governor shall, by virtue of his office, be President of the Senate; have a right, when in committee of the whole, to join in debate, and to vote on all subjects; and whenever the Senate shall be equally divided, he shall give the casting vote.

103. **Pay of Governor.** The Governor shall, at stated times, received for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.

104. **Pay of Lieutenant-Governor.** The Lieutenant-Governor, while he shall act as President of the Senate, shall receive for his services the same compensation as the Speaker of the House of

Representatives; and any person acting as Governor shall receive the compensation attached to the office of Governor.

105. **Their ineligibility to office.** Neither the Governor nor Lieutenant-Governor shall be eligible to any other office during the term for which he shall have been elected.

## ARTICLE 6—ADMINISTRATIVE.

SEC.

106. Secretary, Auditor and Treasurer of State.

107. Terms of county officers.

108. County and township officers.

109. Qualifications of county officers.

110. Residence of officers of State.

SEC.

111. Residence of other officers.

112. Impeachment of State officers.

113. Impeachment of county officers.

114. Vacancies, how filled.

115. County boards.

[1852, p. 3. In force November 1, 1851.]

106. **Secretary, Auditor and Treasurer of State.** There shall be elected, by the voters of the State, a Secretary, an Auditor, and a Treasurer of State, who shall severally hold their offices for two years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices more than four years in any period of six years.

107. **Terms of county officers.** There shall be elected in each county, by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner and Surveyor. The Clerk, Auditor and Recorder shall continue in office four years; and no person shall be eligible to the office of Clerk, Recorder or Auditor more than eight years in any period of twelve years. The Treasurer, Sheriff, Coroner and Surveyor shall continue in office two years; and no person shall be eligible to the office of Treasurer or Sheriff more than four years in any period of six years.

108. **County and township officers.** Such other county and township officers as may be necessary, shall be elected or appointed in such manner as may be prescribed by law.

109. **Qualifications of county officers.** No person shall be elected or appointed as a county officer who shall not be an elector of the county; nor any one who shall not have been an inhabitant thereof during one year next preceding his appointment, if the

county shall have been so long organized; but if the county shall not have been so long organized, then within the limits of the county or counties out of which the same shall have been taken.

**110. Residence of officers of State.** The Governor, and the Secretary, Auditor and Treasurer of State, shall, severally, reside, and keep the public records, books and papers in any manner relating to their respective offices at the seat of government.

**111. Residence of other officers.** All county, township and town officers shall reside within their respective counties, townships and towns; and shall keep their respective offices at such places therein, and perform such duties as may be directed by law.

**112. Impeachment of State officers.** All state officers shall, for crime, incapacity or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor.

**113. Impeachment of county officers.** All State, county, township and town officers may be impeached or removed from office in such manner as may be prescribed by law.

**114. Vacancies, how filled.** Vacancies in county, township, and town offices shall be filled in such manner as may be prescribed by law.

**115. County Boards.** The General Assembly may confer upon the Boards doing county business in the several counties, powers of a local, administrative character.

#### ARTICLE 7—JUDICIAL.

##### SEC.

- 116. Judicial powers.
- 117. Supreme Court.
- 118. Judicial districts.
- 119. Jurisdiction.
- 120. Decisions in writing.
- 121. Publication of decisions.
- 122. Clerk of Supreme Court.
- 123. Circuit Courts.
- 124. Circuit Judges.
- 125. Special Judges.
- 126. Prosecuting Attorneys.

##### SEC.

- 127. Removal of Judges and Prosecutors.
- 128. Pay of Judges.
- 129. Justices of the Peace.
- 130. Conservators of the Peace.
- 131. Ineligibility of Judges.
- 132. Grand jury system.
- 133. Criminal prosecutions.
- 134. Courts of conciliation.
- 135. Revision of laws.
- 136. Lawyers.

[1881, p. 29. In force March 14, 1881.]

116. **Judicial powers.** The judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and in such other Courts as the General Assembly may establish. [As amended March 14, 1881.]

[1852, p. 3. In force November 1, 1851.]

117. **Supreme Court.** The Supreme Court shall consist of not less than three, nor more than five Judges, a majority of whom shall form a quorum. They shall hold their offices for six years, if they so long behave well.

118. **Judicial districts.** The State shall be divided into as many districts as there are Judges of the Supreme Court; and such districts shall be formed of contiguous territory, as nearly equal in population as, without dividing a county, the same can be made. One of said Judges shall be elected from each district, and reside therein; but said Judges shall be elected by the electors of the State at large.

119. **Jurisdiction.** The Supreme Court shall have jurisdiction co-extensive with the limits of the State in appeals and writs of error, under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

120. **Decisions in Writing.** The Supreme Court shall, upon the decision of every case, give a statement in writing of each question arising in the record of such case and the decision of the Court thereon.

121. **Publication of Decisions.** The General Assembly shall provide, by law, for the speedy publication of the decisions of the Supreme Court made under this Constitution; but no Judge shall be allowed to report such decisions.

122. **Clerk of Supreme Court.** There shall be elected, by the voters of the State, a Clerk of the Supreme Court, who shall hold his office four years, and whose duties shall be prescribed by law.

123. **Circuit Courts.** The Circuit Courts shall each consist of one Judge, and shall have such civil and criminal jurisdiction as may be prescribed by law.

124. **Circuit Judges.** The State shall from time to time, be divided into judicial circuits; and a Judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit, and shall hold his office for the term of six years, if he so long behave well.

125. **Special Judges.** The General Assembly may provide, by law, that the Judge of one circuit may hold the Courts of another circuit, in cases of necessity or convenience; and in case of temporary inability of any Judge, from sickness or other cause, to hold the Courts in his circuit, provision may be made by law for holding such Courts.

126. **Prosecuting Attorneys.** There shall be elected, in each judicial circuit, by the voters thereof, a Prosecuting Attorney who shall hold his office for two years.

127. **Removal of Judges and Prosecutors.** Any Judge or Prosecuting Attorney who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

128. **Pay of Judges.** The Judges of the Supreme Court and Circuit Courts shall, at stated times, receive compensation, which shall not be diminished during their continuance in office.

129. **Justices of the Peace.** A competent number of Justices of the Peace shall be elected by the voters in each township in the several counties. They shall continue in office four years, and their powers and duties shall be prescribed by law.

130. **Conservators of the peace.** All judicial officers shall be conservators of the peace in their respective jurisdictions.

131. **Ineligibility of Judges.** No person elected to any judicial office shall, during the term for which he shall have been elected, be eligible to any office of trust or profit under the State, other than a judicial office.

132. **Grand Jury system.** The General Assembly may modify or abolish the Grand Jury system.

133. **Criminal prosecutions.** All criminal prosecutions shall be carried on in the name and by the authority of the State; and the style of all process shall be "The State of Indiana."

**134. Courts of conciliation.** Tribunals of conciliation may be established with such powers and duties as shall be prescribed by law; or the powers and duties of the same may be conferred upon other Courts of justice, but such tribunals or other Courts, when sitting as such, shall have no power to render judgment to be obligatory on the parties, unless they voluntarily submit their matters of difference and agree to abide the judgment of such tribunal or Court.

**135. Revision of Laws.** The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of three Commissioners, whose duty it shall be to revise, simplify and abridge the rules, practice, pleadings and forms of the Courts of justice. And they shall provide for abolishing the distinct forms of action at law now in use, and that justice shall be administered in a uniform mode of pleading, without distinction between law and equity. And the General Assembly may, also, make it the duty of said Commissioners to reduce into a systematic code the general statute law of the State; and said Commissioners shall report the result of their labors to the General Assembly, with such recommendations and suggestions as to abridgment and amendment, as to said Commissioners may seem necessary or proper. Provisions shall be made, by law, for filling vacancies, regulating the tenure of office, and compensation of said Commissioners.

**136. Lawyers.** Every person of good moral character, being a voter, shall be entitled to admission to practice law in all Courts of justice.

## ARTICLE 8—EDUCATION.

SEC.

137. Common schools.

138. Common school fund.

139. Principal, a perpetual fund.

140. Investment and distribution.

SEC.

141. Re-investment.

142. Counties—Liability.

143. Trust funds inviolate.

144. Superintendent of Public Instruction.

[1852, p. 3. In force November 1, 1851.]

**137. Common schools.** Knowledge and learning, generally diffused throughout a community being essential to the preservation of a free government, it shall be the duty of the General Assembly to encourage by all suitable means, moral, intellectual, scientific and agricultural improvement, and to provide, by law, for a general

and uniform system of common schools, wherein tuition shall be without charge, and equally open to all.

**138. Common school fund.** The common school fund shall consist of the congressional township fund, and the lands belonging thereto ;

The surplus revenue fund ;

The saline fund, and the lands belonging thereto ;

The bank tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana ;

The fund to be derived from the sale of county seminaries, and the moneys and property heretofore held for such seminaries ; from the fines assessed for breaches of the penal laws of the State, and from all forfeitures which may accrue ;

All lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance ;

All lands that have been or may hereafter be granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof, including the proceeds of the sales of the swamp lands granted to the State of Indiana by the Act of Congress of the twenty-eighth of September, one thousand eight hundred and fifty, after deducting the expense of selecting and draining the same.

Taxes on the property of corporations that may be assessed by the General Assembly for common school purposes.

**139. Principal, a perpetual fund.** The principal of the common school fund shall remain a perpetual fund, which may be increased, but shall never be diminished ; and the income thereof shall be inviolably appropriated to the support of common schools, and to no other purpose whatever.

**140. Investment and distribution.** The General Assembly shall invest, in some safe and profitable manner, all such portions of the common school fund as have not heretofore been intrusted to the several counties ; and shall make provision, by law, for the distribution, among the several counties, of the interest thereof.

**141. Re-investment.** If any county shall fail to demand its proportion of such interest for common school purposes, the same shall be re-invested for the benefit of such county.

**142. Counties--Liability.** The several counties shall be held

liable for the preservation of so much of the said fund as may be intrusted to them, and for the payment of the annual interest thereon.

**143. Trust funds inviolate.** All trust funds held by the State shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created.

**144. Superintendent of Public Instruction.** The General Assembly shall provide for the election, by the voters of the State, of a State Superintendent of Public Instruction, who shall hold his office for two years, and whose duties and compensation shall be prescribed by law.

#### ARTICLE 9—STATE INSTITUTIONS.

SEC.

145. Benevolent institutions.

146. Houses of refuge.

SEC.

147. County asylums.

[1852, p. 3. In force November 1, 1851.]

**145. Benevolent institutions.** It shall be the duty of the General Assembly to provide, by law, for the support of institutions for the education of the deaf and dumb, and of the blind, and, also, for the treatment of the insane.

**146. Houses of refuge.** The General Assembly shall provide houses of refuge for the correction and reformation of juvenile offenders.

**147. County asylums.** The County Boards shall have power to provide farms as an asylum for those persons who, by reason of age, infirmity, or other misfortune, have claims upon the sympathies and aid of society.

#### ARTICLE 10—FINANCE.

SEC.

148. Assessment and taxation.

149. Payment of public debt.

150. Appropriations.

151. Statement of receipts and expenditures.

SEC.

152. Creation of debt forbidden.

153. Counties cannot take stock.

154. Wabash and Erie canal.

[1852, p. 3. In force November 1, 1851.]

**148. Assessment and taxation.** The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just val-

uation for taxation of all property, both real and personal, excepting such only, for municipal, educational, literary, scientific, religious, or charitable purposes, as may be specially exempted by law.

149. **Payment of public debt.** All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the Treasury, derived from taxation for general State purposes, after the payment of the ordinary expenses of the Government, and of the interest on bonds of the State, other than bank bonds, shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the public debt.

150. **Appropriations.** No money shall be drawn from the Treasury but in pursuance of appropriations made by law.

151. **Statement of receipts and expenditures.** An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the General Assembly.

152. **Creation of debt forbidden.** No law shall authorize any debt to be contracted on behalf of the State, except in the following cases: To meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for the public defense.

153. **Counties cannot take stock.** No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription, nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town or township, nor of any corporation whatever.

[1873, p. 83. In force February 18, 1873.]

154. **Wabash and Erie Canal.** No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an Act entitled "An Act to provide for the funded debt of the State of Indiana and for the Completion of the Wabash and Erie Canal to Evansville," passed Janu-

ary 19, 1846 ; and an Act supplemental to said Act, passed January 29, 1847 ; which, by the provisions of the said Acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal, in said Acts mentioned ; and no such certificate of stock shall ever be paid by this State. [Amendment. Adopted February 18, 1873.]

## ARTICLE 11—CORPORATIONS.

## SEC.

- 155. Incorporation of banks.
- 156. General Banking Law.
- 157. Registry of notes.
- 158. Bank with branches.
- 159. Branches mutually responsible.
- 160. Liability of stockholders.
- 161. Redemption

## SEC.

- 162. Holders' preference.
- 163. Interest.
- 164. Twenty years' limitation.
- 165. Trust funds.
- 166. State not to be stockholder.
- 167. General laws.
- 168. Individual liability.

[1852, p. 3. In force November 1, 1851.]

**155. Incorporation of banks.** The General Assembly shall not have power to establish or incorporate any bank or banking company or moneyed institution, for the purpose of issuing bills of credit or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

**156. General banking law.** No bank shall be established otherwise than under a general banking law, except as provided in the fourth section of this article.

**157. Registry of notes.** If the General Assembly shall enact a General Banking Law, such law shall provide for the registry and countersigning, by an officer of State, of all paper credit designed to be circulated as money ; and ample collateral security, readily convertible into specie for the redemption of the same in gold or silver, shall be required ; which collateral security shall be under the control of the proper officer or officers of State.

**158. Bank with Branches.** The General Assembly may also charter a bank with branches, without collateral security as required in the preceding section.

**159. Branches mutually responsible.** If the General As-

sembly shall establish a bank with branches, the branches shall be mutually responsible for each other's liabilities upon all paper credit issued as money.

160. **Liability of stockholders.** The stockholders in every bank or banking company shall be individually responsible, to an amount over and above their stock equal to their respective shares of stock, for all debts or liabilities of said bank or banking company.

161. **Redemption.** All bills or notes issued as money shall be, at all times, redeemable in gold or silver; and no law shall be passed, sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payments.

162. **Holders' preference.** Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

163. **Interest.** No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals loaning money.

164. **Twenty years' limitation.** Every bank or banking company, shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter to close its business.

165. **Trust fund.** The General Assembly is not prohibited from investing the trust funds in a bank with branches, but in case of such investment, the safety of the same shall be guaranteed by unquestionable security.

166. **State not to be stockholder.** The State shall not be a stockholder in any bank after the expiration of the present bank charter, nor shall the credit of the State ever be given, or loaned, in aid of any person, association or corporation; nor shall the State hereafter become a stockholder in any corporation or association.

167. **General laws.** Corporations, other than banking, shall not be created by a special Act, but may be formed under general laws.

168. **Individual liability.** Dues from corporations, other than banking, shall be secured by such individual liability of the corporators, or other means, as may be prescribed by law.

## ARTICLE 12—MILITIA.

SEC.

169. Organization.

170. Governor's aids.

171. Commissions.

SEC.

172. Division of militia.

173. Sedentary and active.

174. Exemption.

[1852, p. 3. In force November 1, 1851.]

169. **Organization.** The militia shall consist of all able-bodied white male persons, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States or of this State; and shall be organized, officered, armed, equipped and trained in such a manner as may be provided by law.

170. **Governor's aids.** The Governor shall appoint the Adjutant, Quarter-master and Commissary-Generals.

171. **Commissions.** All militia officers shall be commissioned by the Governor, and shall hold their offices not longer than six years.

172. **Division of militia.** The General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battalions and companies, and fix the rank of all staff officers.

173. **Sedentary and active.** The militia may be divided into classes of sedentary and active militia, in such manner as shall be prescribed by law.

174. **Exemption.** No person conscientiously opposed to bearing arms shall be compelled to do militia duty; but such person shall pay an equivalent for exemption, the amount to be prescribed by law.

## ARTICLE 13—MUNICIPAL DEBT.

[1831, p. 29. In force March 14, 1881.]

175. **Limited—Excess void.** No political or municipal corporation in this State shall ever become indebted, in any manner or for any purpose, to an amount in the aggregate exceeding two per centum on the value of the taxable property within such corpora-

tion, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount, given by such corporation, shall be void: *Provided*, That in time of war, foreign invasion, or other great public calamity, on petition of a majority of the property owners, in number and value, within the limits of such corporation, the public authorities, in their discretion, may incur obligations necessary for the public protection and defense to such an amount as may be requested in such petition. [Amendment in lieu of four old sections. Adopted March 14, 1881.]

#### ARTICLE 14—BOUNDARIES.

SEC.

176. State boundaries.

SEC.

177. Jurisdictions.

[1852, p. 5. In force Novembr 1, 1851 ]

**176. State boundaries.** In order that the boundaries of the State may be known and established, it is hereby ordained and declared that the State of Indiana is bounded on the east by the meridian line which forms the western boundary of the State of Ohio; on the south by the Ohio river, from the mouth of the Great Miami river to the mouth of the Wabash river; on the west by a line drawn along the middle of the Wabash river, from its mouth to a point where a due north line, drawn from the town of Vincennes would last touch the northwestern shore of said Wabash river; and thence by a due north line until the same shall intersect an east and west line drawn through a point ten miles north of the southern extreme of Lake Michigan; on the north by said east and west line until the same shall intersect the first mentioned meridian line which forms the western boundary of the State of Ohio.

**177. Jurisdictions.** The State of Indiana shall possess jurisdiction and sovereignty co-extensive with the boundaries declared in the preceding section, and shall have concurrent jurisdiction, in civil and criminal cases, with the State of Kentucky on the Ohio river, and with the State of Illinois on the Wabash river, so far as said rivers form the common boundary between this State and said States respectively.

## ARTICLE 15—MISCELLANEOUS.

## SEC.

178. Official appointments.

179. Duration of office.

180. Holding over.

181. Official oath.

182. State Seal.

## SEC.

183. Commissions.

184. Area of county.

185. Lotteries prohibited.

186. Public grounds.

187. Tippecanoe Battle Ground.

[1852, p. 3. In force November 1, 1851.]

178. **Official appointments.** All officers whose appointments are not otherwise provided for in this Constitution shall be chosen in such manner as now is, or hereafter may be, prescribed by law.

179. **Duration of office.** When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office the tenure of which shall be longer than four years.

180. **Holding over.** Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer, other than a member of the General Assembly, shall hold his office for any given term, the same shall be construed to mean that such officer shall hold his office for such term and until his successor shall have been elected and qualified.

181. **Official oath.** Every person elected or appointed to any office under this Constitution shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of this State and of the United States, and also an oath of office.

182. **State Seal.** There shall be a Seal of State, kept by the Governor for official purposes, which shall be called the Seal of the State of Indiana.

183. **Commissions.** All commissions shall issue in the name of the State, shall be signed by the Governor, sealed by the State Seal and attested by the Secretary of State.

184. **Area of county.** No county shall be reduced to an area less than four hundred square miles, nor shall any county under that area be further reduced.

185. **Lotteries prohibited.** No lottery shall be authorized, nor shall the sale of lottery tickets be allowed.

186. **Public grounds.** The following grounds owned by the State, in Indianapolis, namely: The State House Square, the Governor's Circle, and so much of out-lot numbered one hundred and forty-seven as lies north of the arm of the Central canal, shall not be sold or leased.

187. **Tippecanoe Battle Ground.** It shall be the duty of General Assembly to provide for the permanent inclosure and preservation of the Tippecanoe Battle Ground.

#### ARTICLE 16—AMENDMENTS.

SEC.

188. How made

SEC.

189. Separate vote.

[1852, p. 3. In force November 1, 1851.]

188. **How made.** Any amendment or amendments to this constitution may be proposed in either branch of the General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election; and if in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State; and if a majority of said electors shall ratify the same such amendment or amendments shall become a part of this Constitution.

189. **Separate vote.** If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately; and while an amendment or amendments which shall have been agreed upon by one General Assembly shall be awaiting the action of a succeeding General Assembly, or of the electors, no additional amendment or amendments shall be proposed.

## SECTION 190—SCHEDULE.

When Constitution to take effect.

## CLAUSES.

1. Laws continued.
2. Proceedings continued.
3. Fines, bonds, etc., continued.
4. Municipal acts continued.
5. Governor holds over.
6. General Assembly.
7. Legislators hold over.
8. First general election.

## CLAUSES.

9. Election of State officers.
10. Continuance of officers.
11. Oath.
12. Vacancies.
13. Submission of Thirteenth Article.
14. General submission.
15. Perry and Spencer counties.
16. Clarksville.

**When Constitution takes effect.** This Constitution, if adopted, shall take effect on the first day of November, in the year one thousand eight hundred and fifty-one, and shall supersede the Constitution adopted in the year one thousand eight hundred and sixteen.

That no inconvenience may arise from the change in the Government, it is hereby ordained as follows:

**Laws continued.** *First.* All laws now in force, and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

**Proceedings continued.** *Second.* All indictments, prosecutions, suits, pleas, complaints and other proceedings pending in any of the Courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, and injunctions shall be carried on in the several Courts in the same manner as is now provided by law.

**Fines, bonds, etc., continued.** *Third.* All fines, penalties and forfeitures, due or accruing to the State, or to any county therein, shall inure to the State, or to such county, in the manner prescribed by law. All bonds executed to the State, or to any officer in his official capacity, shall remain in force, and inure to the use of those concerned.

**Municipal acts continued.** *Fourth.* All acts of incorporation for municipal purposes shall continue in force under this Constitution until such time as the General Assembly shall, in its discretion, modify or repeal the same.

**Governor holds over.** *Fifth.* The Governor, at the expiration of the present official term, shall continue to act until his successor shall have been sworn into office.

**General Assembly.** *Sixth.* There shall be a session of the General Assembly, commencing on the first Monday in December, in the year one thousand eight hundred and fifty-one.

**Legislators hold over.** *Seventh.* Senators now in office and holding over under the existing Constitution, and such as may be elected at the next general election, and the Representatives then elected, shall continue in office until the first general election under this Constitution.

**First general election.** *Eighth.* The first general election under this Constitution shall be held in the year one thousand eight hundred and fifty-two.

**Election of State officers.** *Ninth.* The first election for Governor, Lieutenant-Governor, Judges of the Supreme Court and Circuit Courts, Clerk of the Supreme Court, Prosecuting Attorney, Secretary, Auditor and Treasurer of State, and State Superintendent of Public Instruction, under this Constitution, shall be held at the general election in the year one thousand eight hundred and fifty-two; and such of said officers as may be in office when this Constitution shall go into effect shall continue in their respective offices until their successors shall have been elected and qualified.

**Continuance of officers.** *Tenth.* Every person elected by popular vote and now in any office which is continued by this Constitution, and every person who shall be so elected to any such office before the taking effect of this Constitution (except as in this Constitution otherwise provided), shall continue in office until the term for which such person has been, or may be, elected, shall expire: *Provided,* That no such person shall continue in office after the taking effect of this Constitution for a longer period than the term of such office in this Constitution prescribed.

**Oath.** *Eleventh.* On the taking effect of this Constitution all officers thereby continued in office shall, before proceeding in the further discharge of their duties, take an oath, or affirmation, to support this Constitution.

**Vacancies.** *Twelfth.* All vacancies that may occur in existing offices, prior to the first general election under this Constitution, shall be filled in the manner now prescribed by law.

**Submission of thirteenth article.** *Thirteenth.* At the time of submitting this Constitution to the electors for their approval or disapproval, the Article numbered thirteen, in relation to negroes and mulattoes, shall be submitted as a distinct proposition, in the following form: "Exclusion and Colonization of Negroes and Mulattoes," "Aye" or "No." And if a majority of the votes cast shall be in favor of said Article, then the same shall form a part of this Constitution; otherwise it shall be void, and form no part thereof.

**General submission.** *Fourteenth.* No article or section of this Constitution shall be submitted as a distinct proposition, to a vote of the electors, otherwise than as herein provided.

**Perry and Spencer.** *Fifteenth.* Whenever a portion of the citizens of the counties of Perry and Spencer shall deem it expedient to form, of the contiguous territory of said counties, a new county, it shall be the duty of those interested in the organization of such new county, to lay off the same by proper metes and bounds, of equal proportions as nearly as practicable, not to exceed one-third of the territory of each of said counties. The proposal to create such new county shall be submitted to the voters of said counties at a general election in such manner as shall be prescribed by law. And if a majority of all the votes given at said election shall be in favor of the organization of said new county, it shall be the duty of the General Assembly to organize the same out of the territory thus designated

**Clarksville.** *Sixteenth.* The General Assembly may alter or amend the charter of Clarksville, and make such regulations as may be necessary for carrying into effect the objects contemplated in granting the same; and the funds belonging to said town shall be applied according to the intention of the grantor.

## APPENDIX B.

### INDIANA OFFICIAL REGISTER.

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#### TERRITORIAL GOVERNORS.

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Arthur St. Clair, Governor Northwest Territory, from 1787 to 1800.

John Gibson, from 1800 to January 10, 1801.

William H. Harrison, from 1801 to 1812.\*

Thomas Posey, from 1812 to 1816.

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#### GOVERNORS OF THE STATE.

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Jonathan Jennings, from 1816 to 1819.

Jonathan Jennings (second term) from 1819 to 1822.†

Ratliffe Boone from September 12 to December 5, 1822.

William Hendricks, from 1822 to 1825.

James B. Ray (acting), February 12 to December 11, 1825.‡

James B. Ray, from 1825 to 1828.

James B. Ray (second term), from 1828 to 1831.

Noah Noble, from 1831 to 1834.

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\*Governor Harrison was appointed early in the year 1800, but was not sworn into office until January 10, 1801. John Gibson, the Secretary of the Territory, acted as Governor until his arrival.

†Jonathan Jennings, having been elected to Congress before the end of his second term, resigned the office of Governor September 12, 1822, and was succeeded by Ratliffe Boone, who served until December 5th of the same year.

‡Governor Hendricks, having been elected a Senator of the United States, resigned his office on the 12th day of February, 1825, and was succeeded by James B. Ray. President of the Senate, who served as Governor during the remainder of the term.

Noah Noble (second term), from 1834 to 1837.  
 David Wallace, from 1837 to 1840.  
 Samuel Bigger, from 1840 to 1843.  
 James Whitcomb, from 1843 to 1846.  
 James Whitcomb, from 1846 to 1848.  
 Paris C. Dunning (acting), from 1848 to 1849.‡  
 Joseph A. Wright, from 1849 to 1852.  
 Joseph A. Wright, from 1852 to 1857.  
 Ashbel P. Willard, from 1857 to 1860.  
 Abram A. Hammond, from 1860 to 1861.xx  
 Henry S. Lane, from January 14 to January 16, 1861.||  
 Oliver P. Morton (acting), from 1861 to 1865.  
 Oliver P. Morton, from 1865 to 1867.  
 Conrad Baker (acting), from 1867 to 1869.\*  
 Conrad Baker, from 1869 to 1873.  
 Thomas A. Hendricks, from 1873 to 1877.  
 James D. Williams, from 1877 to 1880.  
 Isaac P. Gray (acting), from 1880 to 1881.‡  
 Albert G. Porter, from 1881 to 1885.  
 Isaac P. Gray, from 1885 to 1889.  
 Alvin P. Hovey, from 1889 to 1891.xxx  
 Ira J. Chase, from November 24, 1891, to January 9, 1893.  
 Claude Matthews, from 1893 to 1897.  
 James A. Mount, 1897 —.

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‡Governor Whitcomb was elected a Senator of the United States December 27, 1848, and Paris C. Dunning, Lieutenant-Governor, served as Governor during the remainder of the term.

xx Governor Willard died on the third day of October, 1860, and Abram A. Hammond, the Lieutenant-Governor, served as Governor during the remainder of the term.

|| Governor Lane was elected a Senator of the United States January 16, 1861, and Oliver P. Morton, the Lieutenant-Governor, served as Governor the remainder of the term.

\*Governor Oliver P. Morton was elected a Senator of the United States on the 23d of January, 1867. On the day following he resigned his office, and Conrad Baker, the Lieutenant-Governor, served as Governor during the remainder of the term.

‡ Governor Williams died November 20, 1880, and Isaac P. Gray, Lieutenant-Governor, served as Governor the remainder of the term.

xxx Governor Hovey died November 23, 1891, and Lieutenant-Governor Ira J. Chase served as Governor the remainder of the term.

## LIEUTENANT-GOVERNORS.

- Christopher Harrison, from 1816 to 1819.  
Ratliffe Boone, from 1819 to 1825.  
John H. Thompson, from 1825 to 1828.  
Milton Stapp, from 1828 to 1831.  
David Wallace, from 1831 to 1837.  
David Hillis from 1837 to 1840.  
Samuel Hall, from 1840 to 1843.  
Jesse D. Bright, from 1843 to 1845.†  
Godlove S. Orth (acting), 1845.  
James G. Reed (acting), 1846.  
Paris C. Dunning, from 1846 to 1848.  
James G. Reed (acting), 1849.  
James H. Lane, from 1849 to 1852.  
Ashbel P. Willard, from 1852 to 1857.  
Abram A. Hammond, from 1857 to 1860.  
John R. Cravens (acting), from 1859 to 1863.  
Paris C. Dunning (acting), 1863 to 1865.  
Coprad Baker, from 1865 to 1867.  
Will Cumback (acting), from 1867 to 1869.  
Will Cumback, from 1869 to 1873.  
Leonidas Sexton, from 1873 to 1877.  
Isaac P. Gray, from 1877 to 1880.  
Frederick W. Viehe (acting), 1881.  
Thomas Hanna, from 1881 to 1885.  
Mahlon D. Manson, from 1885 to 1887.†  
Ira J. Chase, from 1889 to Nov. 24, 1891.‡  
Francis M. Griffith, President *pro tem.* of Senate, (acting) Lieutenant-Governor from 1891 to 1893.  
Mortimer Nye, from 1893 to 1897.  
William S. Haggard, from 1897—

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† Jesse D. Bright was elected to the Senate of the United States, March 6, 1845.

† Vacated office by qualifying as Revenue Collector.

‡ Lieutenant-Governor Chase assumed the duties of Governor Nov. 24, 1891.

## SECRETARIES OF STATE.

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John Gibson, Territorial, from 1800 to 1816.  
Robert A. New, from 1816 to 1825.  
William W. Wick, from 1825 to 1829.  
James Morrison, from 1829 to 1833.  
William Sheets, from 1833 to 1837.  
William J. Brown, from 1837 to 1841.  
William Sheets, from 1841 to 1845.  
John H. Thompson, from 1845 to 1849.  
Charles H. Test, from 1849 to 1853.  
Nehemiah Hayden, from 1853 to 1855.  
Erasmus B. Collins, from 1856 to 1857.  
Daniel McClure, from 1857 to 1859.  
Cyrus L. Dunham, from 1859 to 1861.  
William A. Peelle, from 1861 to 1863.  
James S. Athon, from 1863 to 1865.  
Nelson Trusler, from 1865 to 1869.  
Max F. A. Hoffman, from 1869 to 1871.  
Norman Eddy, from 1871 to 1872.  
John H. Farquhar, from 1872 to 1873.  
William W. Curry, from 1873 to 1875.  
John E. Neff, from 1875 to 1879.  
John G. Shanklin, from 1879 to 1881.  
Emanuel R. Hawn, from 1881 to 1883.  
William R. Myers, from 1883 to 1885.  
William R. Myers, from 1885 to 1887.  
Charles F. Griffin, from 1887 to 1889.  
Charles F. Griffin, from 1889 to 1891.  
Claude Matthews, from 1891 to January 9, 1893.  
Myron D. King, from January 9, 1893, to January 17, 1893.†  
William R. Myers, from 1893 to 1895.  
William D. Owens, from 1895 to 1899.

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† Claude Matthews was inaugurated Governor January 9, 1893, and Myron D. King was appointed Secretary of State for the unexpired term.

## AUDITORS OF PUBLIC ACCOUNTS.

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INDIANA TERRITORY.

Peter Jones, commissioned September 5, 1805; resigned in 1810.

William Prince, commissioned April 13, 1810; resigned in 1813.

General W. Johnson, commissioned January 20, 1813; resigned in 1813.

William Prince, commissioned February 8, 1813; resigned in 1813.

Davis Floyd, commissioned June 15, 1813; served till admission of the State into the Union.

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AUDITORS OF STATE.

William H. Lilley, from 1816 to 1828.

Benjamin I. Blythe, from 1828 to 1829.

Morris Morris, from 1829 to 1844.

Horatio S. Harris, from 1844 to 1847.

Douglas Maguire, from 1847 to 1850.

Erastus W. H. Ellis, from 1850 to 1853.

John P. Dunn, from 1853 to 1855.

Hiram E. Talbott, from 1855 to 1857.

John W. Dodd, from 1857 to 1861.

Albert Lange, from 1861 to 1863.

Joseph Ristine, from 1863 to 1865.

Thomas P. McCarthy, from 1865 to 1869.

John D. Evans, from 1869 to 1871.

John C. Shoemaker, from 1871 to 1873.

James A. Wildman, from 1873 to 1875.

Ebenezer Henderson, from 1875 to 1879.

Mahlon D. Manson, from 1879 to 1881.

Edward H. Wolfe, from 1881 to 1883.

James H. Rice, from 1883 to 1885.

James H. Rice, from 1885 to 1887.

Bruce Carr, from 1887 to 1889.  
Bruce Carr, from 1889 to 1891.  
John O. Henderson, from 1891 to 1893.  
John O. Henderson, from 1893 to 1895.  
Americus C. Daily, from 1895 to 1899.

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### TREASURERS OF INDIANA TERRITORY.

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William McIntosh, commissioned February 9, 1801; removed for cause.

James Johnson, commissioned September 4, 1805; resigned in 1813.

General W. Johnston, commissioned May 29, 1813; served till State was admitted into the Union.

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### TREASURERS OF STATE.

---

Daniel C. Lane, from 1816 to 1823.  
Samuel Merrill, from 1823 to 1835.  
Nathan B. Palmer, from 1835 to 1841.  
George H. Dunn, from 1841 to 1844.  
Royal Mayhew, from 1844 to 1847.  
Samuel Hannah, from 1847 to 1850.  
James P. Drake, from 1850 to 1853.  
Elijah Newland, from 1853 to 1855.  
William R. Noffsinger, from 1855 to 1857.  
Aquilla Jones, from 1857 to 1859.  
Nathaniel F. Cunningham, from 1859 to 1861.  
Jonathan S. Harvey, from 1861 to 1863.  
Matthew L. Brett, from 1863 to 1865.  
John I. Morrison, from 1865 to 1867.  
Nathan Kimball, from 1867 to 1871.  
James B. Ryan, from 1871 to 1873.  
John B. Glover, from 1873 to 1875.  
Benjamin C. Shaw, from 1875 to 1879,

William Fleining, from 1879 to 1881  
Roswell S. Hill, from 1881 to 1883.  
John J. Cooper, from 1883 to 1885.  
John J. Cooper, from 1885 to 1887.  
Julius A. Lemcke, from 1887 to 1889.  
Julius A. Lemcke, from 1889 to 1891.  
Albert Gall, from 1891 to 1893  
Albert Gall, from 1893 to 1895.  
Frederick J. Scholz, 1895 to 1899.

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### TERRITORIAL JUDGES.

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William Clarke, Henry Vanderburgh, John Griffin, appointed  
July 4, 1800.

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### JUDGES OF THE SUPREME COURT.

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James Scott, from 1816 to 1831.  
John Johnson, from 1816 to 1817.  
Jesse L. Holman, from 1816 to 1831.  
Isaac Blackford, from 1817 to 1853.  
Stephen C. Stephens, from 1831 to 1836.  
John T. McKinney, from 1831 to 1837.  
Charles Dewey, from 1836 to 1847.  
Jeremiah Sullivan, from 1837 to 1846.  
Samuel E. Perkins, from 1846 to 1865.  
Thomas L. Smith, from 1847 to 1853.  
Andrew Davison, from 1853 to 1865.  
William Z. Stuart, from 1853 to 1857.  
Addison L. Roache, from 1853 to 1854.  
Alvin P. Hovey (appointed), from — to 1854.  
Samuel B. Gookins, from 1854 to 1857.  
James L. Worden (appointed), from 1858 to 1865.  
James M. Hanna (appointed), from 1858 to 1865.  
Charles A. Ray, from 1865 to 1871.  
Jehu T. Elliott, from 1865 to 1871.

James S. Frazer, from 1865 to 1871. ·  
 Robert S. Gregory, from 1865 to 1871.  
 James L. Worden, from 1871 to 1882.\*  
 Alexander C. Downey, from 1871 to 1877.  
 Samuel A. Buskisk, from 1871 to 1877.  
 John Pettit, from 1871 to 1877.  
 Andrew L. Osborne, from 1872 to 1874.  
 Horace P. Biddle, from 1874 to 1880.  
 William E. Niblack, from 1877 to 1883.  
 George V. Howk, from 1877 to 1883.  
 Samuel E. Perkins, from 1877 to 1879.  
 John T. Scott, from 1879 to 1880.  
 William A. Woods, from 1881 to 1883.†  
 Byron K. Elliott, from 1881 to 1887.  
 William H. Coombs, from December 2, 1882, to 1883.  
 Edwin P. Hammond, from 1883 to 1885.  
 Allen Zollars, from 1883 to 1889.  
 William E. Niblack, from 1883 to 1889.  
 George V. Howk, from 1883 to 1889.  
 Joseph A. S. Mitchell, from 1885 to December, 1890.‡  
 Byron K. Elliott, from 1887 to 1893.  
 Walter Olds, from 1889 to June 1, 1893.§  
 John D. Berkshire, from 1889 to February 1891.||  
 Silas D. Coffey, from 1889 to 1895.  
 Robert W. McBride, from December 17, 1890, to 1892.  
 John D. Miller, from February 25, 1891, to 1892.  
 Leonard J. Hackney, from 1893 ——.   
 Timothy E. Howard, from 1893 ——.   
 James McCabe, from 1893 ——.   
 Joseph S. Dailey, from July 24, 1893 to 1895.¶  
 Leander J. Monks, from 1895 ——.   
 James H. Jordan, from 1895 ——.

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\* Resigned December 2, 1882.

† Resigned May 8, 1883.

‡ Judge J. A. S. Mitchell was re-elected November, 1890, for six years, from January, 1891. He died December, 1890.

§ Judge Walter Olds resigned June 15, 1893, and Joseph S. Dailey was appointed July 24, 1893, to serve for the unexpired term

|| Judge John D. Berkshire died February, 1891.

## ATTORNEY-GENERALS.

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INDIANA TERRITORY.

John Rice Jones, commissioned January 29, 1801; resigned in 1804.

Benjamin Parke, commissioned August 4, 1804; appointed Territorial Judge.

Thomas Randolph, commissioned June 2, 1808; killed at Tippecanoe battle November 7, 1811.

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ATTORNEY-GENERALS.

James Morrison, from March 5, 1855.

Joseph E. McDonald, from December 17, 1857.

James G. Jones, from December 17, 1859.

John P. Usher, from November 10, 1861.

Oscar B. Hord, from November 3, 1862.

Delana E. Williamson, from November 3, 1864.

Bayless W. Hanna, from November 3, 1870.

James C. Denny, from November 6, 1872.

Clarence A. Buskirk, from November 6, 1874.

Thomas W. Woollen, from November 6, 1878.

Daniel P. Baldwin, from November 6, 1880.

Francis T. Hord, from 1882 to 1884.

Francis T. Hord, from 1884 to 1886.

Louis T. Michener, from 1886 to 1888.

Louis T. Michener, from 1888 to 1890.

Alonzo G. Smith, from 1890 to 1892.

Alonzo G. Smith, from 1892 to 1894.

William A. Ketcham, from 1894 to 1898.

## SUPERINTENDENTS OF PUBLIC INSTRUCTION.

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William C. Larrabee, from 1852 to 1855.  
Caleb Mills, from 1855 to 1857.  
William C. Larrabee, from 1857 to 1859.  
Samuel L. Rugg, from 1859 to 1861.  
Miles J. Fletcher, from 1861 to 1862.  
Samuel K. Hoshour, from 1862.  
Samuel L. Rugg, from 1862 to 1865.  
George W. Hoss, from 1865 to 1869.  
Barnabas C. Hobbs, from 1869 to 1871.  
Milton B. Hopkins, from 1871 to 1874.  
Alexander C. Hopkins, from 1874 to 1875.  
James H. Smart, from 1875 to 1881.  
John M. Bloss, from 1881 to 1883.  
John W. Holcombe, from 1883 to 1885.  
John W. Holcombe, from 1885 to 1887.  
Harvey M. LaFollette, from 1887 to 1889.  
Harvey M. LaFollette, from 1889 to 1891.  
Hervey D. Vories, from 1891 to 1893.  
Hervey D. Vories, from 1893 to 1895.  
David M. Geeting, from 1895 to 1899.

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UNITED STATES SENATORS.

---

James Noble, from 1816 to 1831.  
Waller Taylor, from 1816 to 1825.  
William Hendricks, from 1825 to 1837.  
Robert Hanna (appointed), 1831.  
John Tipton, from 1831 to 1839.  
Oliver H. Smith, from 1837 to 1843.  
Albert S. White, from 1839 to 1845.  
Edward A. Hannegan, from 1843 to 1849.  
Jesse D. Bright, from 1845 to 1861.  
James Whitcomb, from 1849 to 1852.  
Charles W. Cathcart (appointed), from 1852 to 1853.

John Petit, from 1853 to 1857.  
Graham N. Fitch, from 1857 to 1861.  
Joseph A. Wright (appointed), from 1861 to 1863.  
Henry S. Lane, from 1861 to 1867.  
David Turpie, 1863.  
Thomas A. Hendricks, from 1863 to 1869.  
Oliver P. Morton, from 1867 to 1877.  
Daniel D. Pratt, from 1869 to 1875.  
Joseph E. McDonald, from 1875 to 1881.  
Daniel W. Voorhees (appointed), from 1877 to 1879.  
Daniel W. Voorhees, from 1879 to 1885.  
Daniel W. Voorhees, from 1885 to 1891.  
Benjamin Harrison, from 1881 to 1887.  
David Turpie, from 1887 to 1893.  
David Turpie, from 1893 to —.  
Daniel W. Voorhees, from 1891 to 1897.  
Charles W. Fairbanks, 1897 to —.

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## CLERKS SUPREME COURT.

### TERRITORIAL—STATE.

Daniel Lymmes, from 1794 to 1804.  
Henry Hurst, from 1804 to 1820.  
E. Macdonald, from 1817 to 1820.  
Henry P. Coburn, from 1820 to 1852.  
William B. Beach, from 1852 to 1860.  
John P. Jones, from 1860 to 1864.  
Laz. Noble, 1864 to 1868.  
Theodore W. McCoy, from 1868 to 1872.  
Charles Scholl, from 1872 to 1876.  
Gabriel Schmuck, from 1876 to 1880.  
Daniel Royse, from 1880 to 1881.  
Jonathan W. Gordon, from 1881 to 1882.  
Simon P. Sheerin, from 1882 to 1886.  
William T. Noble, from 1886 to 1890.  
Andrew M. Sweeney, from 1890 to 1894.  
Alexander W. Hess, from 1894 to 1899.

REPORTERS SUPREME COURT.

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Isaac Blackford (one of the Judges), from 1817 to 1850.  
Horace E. Carter, from 1852 to 1853.  
Albert G. Porter, from 1853 to 1856.  
Gordon Tanner, from 1857 to 1861.  
Benjamin Harrison, from 1861 to 1863.  
Michael C. Kerr, from 1863 to 1864.  
Benjamin Harrison, from 1864 to 1869.  
James B. Black, from 1869 to 1877.  
Augustus N. Martin, from 1877 to 1881.  
Francis M. Dice, from 1881 to 1885.  
John W. Kern, from 1885 to 1889.  
John L. Griffiths, from 1889 to 1893.  
Sidney R. Moon, from 1893 to 1897.  
Charles F. Remy, from 1897 —.

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CHIEFS OF THE BUREAU OF STATISTICS.

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John Collett, from 1879 to 1881.  
John B. Connor, from 1881 to 1883.  
William A. Peelle, Jr., from 1883 to 1890.  
William A. Peelle, Jr., from 1890 to 1892.  
William A. Peelle, Jr., from 1892 to 1894.  
Simeon J. Thompson, from 1894 to 1897.  
John B. Connor, from 1897 —.

## POPULATION OF INDIANA.

Total for 1880 . . . . .	1,978,301
Total for 1890 . . . . .	2,192,404

*Counties, Population and County Seats of the State of Indiana, Census of 1890.*

COUNTIES.	Population of County Seats.	Population of County.	Number of Townships.
Adams . . . . .	3,142 Decatur . . . . .	20,181	12
Allen . . . . .	35,393 Fort Wayne . . . . .	66,689	20
Bartholomew . . . . .	6,719 Columbus . . . . .	23,867	14
Benton . . . . .	1,285 Fowler . . . . .	11,903	8
Blackford . . . . .	2,287 Hartford City . . . . .	10,461	4
Boone . . . . .	3,682 Lebanon . . . . .	26,572	12
Brown . . . . .	395 Nashville . . . . .	10,308	5
Carroll . . . . .	1,923 Delphi . . . . .	20,020	13
Cass . . . . .	13,328 Logansport . . . . .	31,152	14
Clark . . . . .	10,666 Jeffersonville . . . . .	30,259	12
Clay . . . . .	5,905 Brazil . . . . .	30,536	10
Clinton . . . . .	5,919 Frankfort . . . . .	27,370	11
Crawford . . . . .	792 Leavenworth . . . . .	13,941	9
Daviess . . . . .	6,064 Washington . . . . .	26,227	10
Pearborn . . . . .	4,284 Lawrenceburgh . . . . .	23,364	14
Decatur . . . . .	3,596 Greensburg . . . . .	19,277	9
Dekalb . . . . .	2,415 Auburn . . . . .	24,307	12
Delaware . . . . .	11,345 Muncie . . . . .	30,131	12
Dubois . . . . .	1,281 Jasper . . . . .	20,253	8
Elkhart . . . . .	6,033 Goshen . . . . .	39,201	16
Fayette . . . . .	4,548 Connersville . . . . .	12,630	9
Floyd . . . . .	21,059 New Albany . . . . .	29,458	5
Fountain . . . . .	1,891 Covington . . . . .	19,558	11
Franklin . . . . .	2,028 Brookville . . . . .	18,366	13
Fulton . . . . .	2,467 Rochester . . . . .	16,746	8
Gibson . . . . .	3,076 Princeton . . . . .	24,920	8
Grant . . . . .	8,769 Marion . . . . .	31,493	13
Greene . . . . .	1,229 Bloomfield . . . . .	24,379	15
Hamilton . . . . .	3,054 Noblesville . . . . .	26,123	9
Hancock . . . . .	3,100 Greenfield . . . . .	17,829	9
Harrison . . . . .	880 Corydon . . . . .	20,786	13
Hendricks . . . . .	1,569 Danville . . . . .	21,498	12

*Counties, Population and County Seats—Continued.*

COUNTIES.	Population of County Seats.	Population of County.	Number of Townships.
Henry . . . . .	2,697 New Castle . . . . .	23,789	13
Howard . . . . .	8,261 Kokomo . . . . .	26,186	11
Huntington . . . . .	7,328 Huntington . . . . .	27,644	12
Jackson . . . . .	1,422 Brownstown . . . . .	24,139	11
Jasper . . . . .	1,455 Rensselaer . . . . .	11,185	12
Jay . . . . .	3,725 Portland . . . . .	23,478	12
Jefferson . . . . .	8,936 Madison . . . . .	24,507	10
Jennings . . . . .	613 Vernon . . . . .	14,608	10
Johnson . . . . .	3,781 Franklin . . . . .	19,561	8
Knox . . . . .	8,853 Vincennes . . . . .	28,044	10
Kosciusko . . . . .	3,574 Warsaw . . . . .	28,645	16
Lagrange . . . . .	1,784 Lagrange . . . . .	15,615	11
Lake . . . . .	1,907 Crown Point . . . . .	23,886	10
Laporte . . . . .	7,126 Laporte . . . . .	34,415	19
Lawrence . . . . .	3,351 Bedford . . . . .	19,792	10
Madison . . . . .	10,741 Anderson . . . . .	36,487	14
Marion . . . . .	105,436 Indianapolis . . . . .	141,156	9
Marshall . . . . .	2,723 Plymouth . . . . .	23,818	10
Martin . . . . .	738 Shoals . . . . .	13,973	9
Miami . . . . .	7,028 Peru . . . . .	25,823	14
Monroe . . . . .	4,018 Bloomington . . . . .	17,673	12
Montgomery . . . . .	6,089 Crawfordsville . . . . .	28,025	11
Morgan . . . . .	2,680 Martinsville . . . . .	18,643	14
Newton . . . . .	918 Kentland . . . . .	8,803	8
Noble . . . . .	1,229 Albion . . . . .	23,359	13
Ohio . . . . .	1,689 Rising Sun . . . . .	4,955	4
Orange . . . . .	607 Paoli . . . . .	14,678	10
Owen . . . . .	1 868 Spencer . . . . .	15,040	13
Parke . . . . .	1,689 Rockville . . . . .	20,296	13
Perry . . . . .	1,991 Cannelton . . . . .	18,240	7
Pike . . . . .	1,494 Petersburg . . . . .	18,544	9
Porter . . . . .	5,090 Valparaiso . . . . .	18,052	13
Posey . . . . .	4,705 Mt. Vernon . . . . .	21,529	10
Pulaski . . . . .	1,215 Winamac . . . . .	11,233	12
Putnam . . . . .	4,390 Greencastle . . . . .	22,335	14
Randolph . . . . .	3,014 Winchester . . . . .	28,035	12
Ripley . . . . .	421 Versailles . . . . .	19,350	11
Rush . . . . .	3,475 Rushville . . . . .	19,034	12
Scott . . . . .	618 Scottsburgh . . . . .	7,833	5

*Counties, Population and County Seats—Continued.*

COUNTIES.	Population of County Seats.	Population of County.	Number of Townships.
Shelby . . . . .	5,451 Shelbyville . . . . .	25,454	13
Spencer . . . . .	2,314 Rockport . . . . .	22,060	9
Starke . . . . .	790 Knox . . . . .	7,339	9
St. Joseph . . . . .	21,819 South Bend . . . . .	42,457	13
Steuben . . . . .	1,840 Angola . . . . .	14,478	12
Sullivan . . . . .	2,222 Sullivan . . . . .	21,877	11
Switzerland . . . . .	1,663 Vevay . . . . .	12,514	6
Tippecanoe . . . . .	16,243 Lafayette . . . . .	35,078	12
Tipton . . . . .	2,697 Tipton . . . . .	18,157	6
Union . . . . .	1,314 Liberty . . . . .	7,006	6
Vanderburgh . . . . .	50,756 Evansville . . . . .	59,809	8
Vermillion . . . . .	551 Newport . . . . .	13,154	5
Vigo . . . . .	30,217 Terre Hante . . . . .	50,195	12
Wabash . . . . .	5,105 Wabash . . . . .	27,126	6
Warren . . . . .	1,027 Williamsport . . . . .	10,955	12
Warrick . . . . .	1,181 Boonville . . . . .	21,161	10
Washington . . . . .	1,975 Salem . . . . .	18,619	13
Wayne . . . . .	16,608 Richmond . . . . .	37,628	14
Wells . . . . .	3,589 Bluffton . . . . .	21,514	9
White . . . . .	1,518 Monticello . . . . .	15,671	11
Whitley . . . . .	3,027 Columbia City . . . . .	17,768	10

*Population of Other Cities Having 4,000 or More Inhabitants.*

CITIES.	COUNTIES.	Populat'n, 1890.
Elkhart . . . . .	Elkhart . . . . .	11,360
Michigan City . . . . .	Laporte . . . . .	10,776
Hammond . . . . .	Lake . . . . .	5,428
Seymour . . . . .	Jackson . . . . .	5,337

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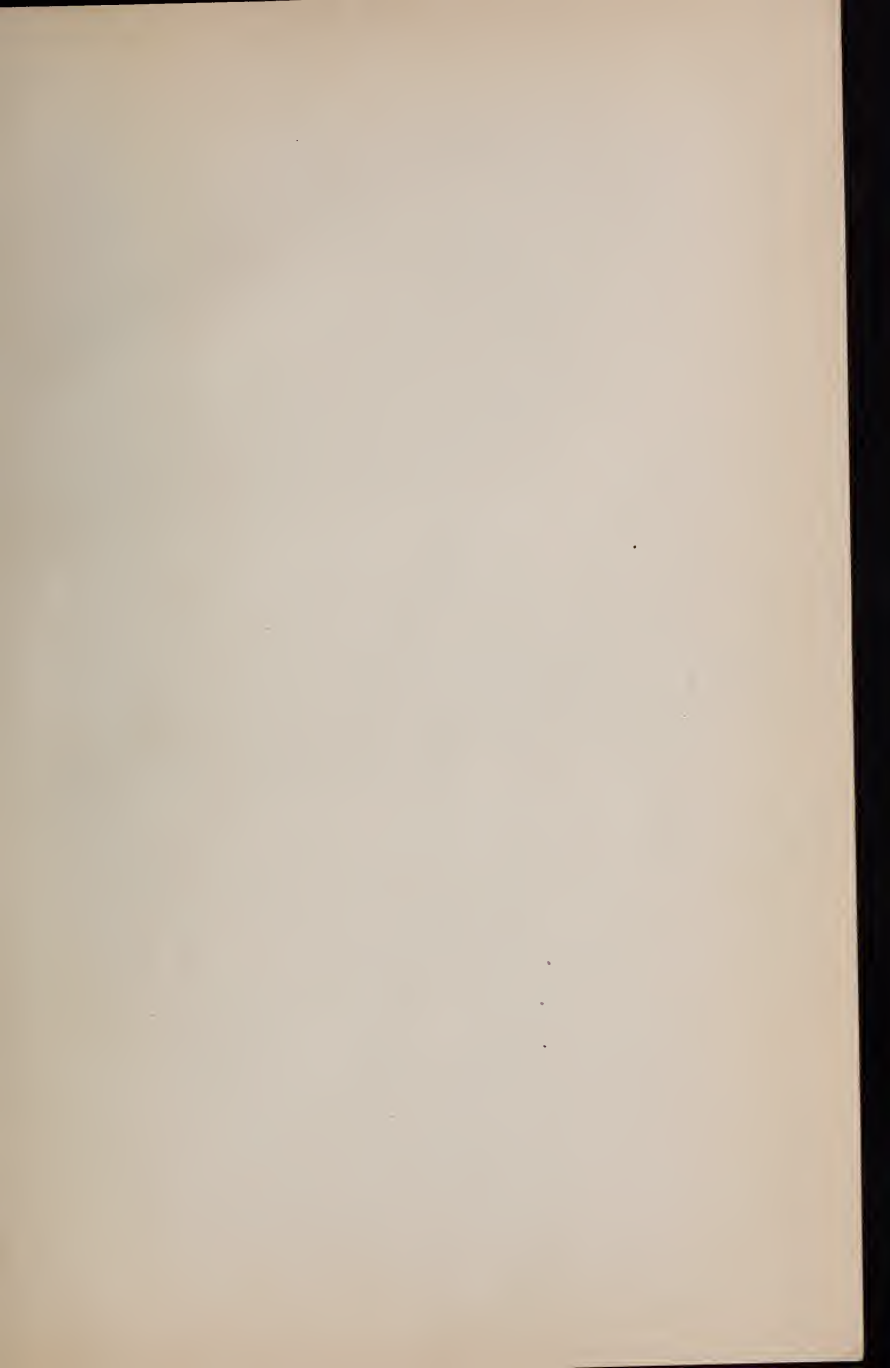
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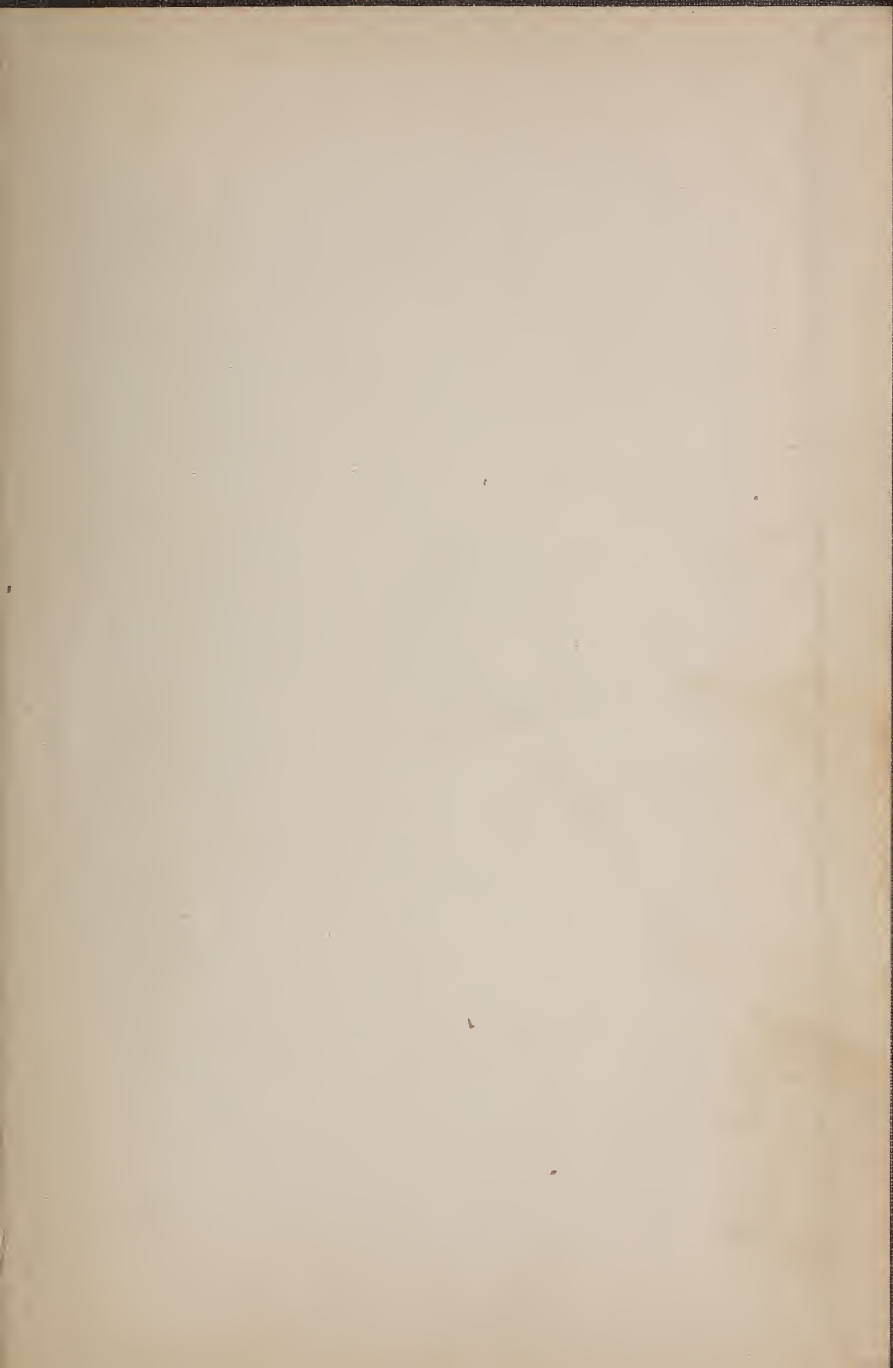
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